IN THE COURT OF COMMON PLEAS OF CAMBRIA COUNTY, PENNSYLVANIA
CIVIL DIVISION

IN RE:
LOCAL RULES OF CIVIL PROCEDURE FOR THE
47th JUDICIAL DISTRICT (CAMBRIA COUNTY)
OF PENNSYLVANIA

2015 – 4357

PROPOSED AMENDMENTS

ADMINISTRATIVE ORDER

AND NOW, this 9th day of December, 2015, it is hereby **ORDERED** that the Local Rules of Civil Procedure for the 47th Judicial District (Cambria County) of Pennsylvania are amended as attached hereto. Specifically, the following amendments were changed subsequent to this Court's Order dated October 23, 2015:

- Local Rule 205.2 Filing Legal Papers with the Prothonotary is split into Local Rule 205.2(a) Physical Characteristics of Pleadings and Local Rule 205.2(b) Cover Sheet; and
- Local Rule 210 Form of Briefs is added as referenced to at Local Rule 260(j).

Any previous Local Rules that are inconsistent with these Amendments are hereby rescinded with regard to the subject areas of these Amendments; **AND FURTHER**, these said Amendments shall become effective on February 1, 2016 and Local Rules 205.2(a), 205.2(b), 206.4(c), 208.3(a), 1028(c), 1034(a), and 1035.2(a) shall become effective upon publication n the UJS Portal.

BY THE COURT:

Timothy P. Creany, President Judge

FILED FOR RECORD
15 DEC 11 PM 12:10
PROTHONOTARY
CAMBRIA COUNTY, PA.

COURT OF COMMON PLEAS OF CAMBRIA COUNTY

47th Judicial District of the Commonwealth of Pennsylvania

Local Rules of Civil Procedure

Effective _____.

200 South Center Street · Ebensburg, PA 15931 · ph: (814) 472-5440 · fax: (814) 472-4799

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Local Rule 200 CC: Business of the Courts (former Local Rule 100 CC)

(a) There shall be no separate terms of court within any year.
(b) Docketing within the Court of Common Pleas shall be done in sequence throughout each calendar year, commencing with the first action initiated during each year. For example, 2011-1, 2011-2, etc.
(c) Scheduling of all matters before the Court shall be as set forth in the annual court calendar and as scheduled more specifically by the Court through the Court Administrator.

Local Rule 200.2 CC: Legal Periodical and Notices (former Local Rule 100.2 CC)

(a) The Cambria County Legal Journal shall be the official legal periodical for the publication of notices.
(b) Where notice by publication is required in a newspaper and in a legal periodical, it shall be published in the Cambria County Legal Journal and in a newspaper of general circulation once per week for two (2) successive weeks, unless a statute, rule of court, or special order of court requires otherwise. The last publication shall be at least five (5) days before the time for the happening of the event for which publication is made.
(c) The prothonotary shall give notice to all counsel of record of the Argument Court list and other notices of general interest. In addition, the prothonotary shall give written notice of the same to any unrepresented parties.

Local Rule 200.3 CC: Admission to the Bar (former Local Rule 100.3 CC)

The prothonotary shall keep and maintain a roll consisting of attorneys who have been admitted to the Bar of the Court of Common Pleas of Cambria County and maintain an office within the County. Only attorneys who are admitted to the Bar of this Court may be appointed arbitrator, counsel for indigent defendants, or master.

Local Rule 205.2(a) CC: Physical Characteristics of Pleadings.

(1) In addition to the rules set forth in Pa. R. Civ. P. 204.1, all documents filed with the prothonotary shall be bound by one single staple on the upper left hand corner unless the size of the document physically precludes this form of binding. No backers shall be necessary.
(2) The prothonotary has discretionary authority to accept or reject any document which does not conform to Pa. R. Civ. P. 204.1.
(3) The prothonotary shall accept filings by facsimile. A filing is not perfected until the original is filed with the prothonotary within seven (7) business days. The prothonotary shall strike filings that are not timely perfected.
(4) If a filing is not timely perfected, and if a hearing has been scheduled as a result of the facsimile filing, the Court has discretion whether said hearing will occur.

Local Rule 205.2(b) CC: Cover Sheet.

All complaints in civil actions and proceedings filed and docketed in the prothonotary's office shall have a cover sheet substantially in the following form:

JOHN DOE and MARY DOE, Husband and Wife,	*	IN THE COURT OF COMMON PLEAS OF CAMBRIA COUNTY, PENNSYLVANIA
Plaintiffs,	*	CIVIL ACTION – LAW (or) CIVIL ACTION – EQUITY
v.	*	
	*	ACTION IN _____
FRANK SMITH,	*	
	*	FOR TRIAL (or) FOR ARBITRATION (or)
Defendant.	*	FOR OTHER DISPOSITION
	*	
	*	TYPE OF DOCUMENT:
	*	
	*	COUNSEL FOR [MOVING PARTY]:
	*	NAME
	*	ADDRESS
	*	TELEPHONE NUMBER
	*	FACSIMILE NUMBER
	*	SUPREME COURT I.D. #
	*	
	*	COUNSEL FOR [OPPOSING PARTY]:[1]
	*	NAME
	*	ADDRESS
	*	TELEPHONE NUMBER
	*	FACSIMILE NUMBER
	*	SUPREME COURT I.D. #

NOTICE[2]

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by your attorney, and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so, the case may proceed without you, and a judgment may be entered against you by the court, without further notice, for any money claimed in the Complaint, or of any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

Laurel Legal Services, Inc.
227 Franklin Street
Suite 400
Johnstown, PA 15901
Telephone: (814) 536-8917
Facsimile: (814) 535-3377

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[1] Counsel for opposing party is not required in original pleadings.
[2] For original pleadings only.

Local Rule 206.4(c) CC: Rule to Show Cause

(1) A petition containing a rule to show cause shall be made returnable not less than ten (10) days after issuance, unless a statute or the rules of civil procedure require another return day.
(2) A rule to show cause shall not operate as a stay of proceedings unless the Court shall so order.
(3) The party obtaining said rule shall, within five (5) days, serve the rule and petition in compliance with Pa. R. Civ. P. 440 and 441.
(4) All subsequent proceedings shall be in accordance with Pa. R. Civ. P. 206.7.
(5) If no answer is filed by the return date, the Court, upon request, shall make the rule absolute.
(6) Any petition for rule to show cause that is filed prior to the case being assigned to a judge shall be scheduled in accordance with Motions Court procedure pursuant to Local Rule 208.3(a) CC.
(7) Any petition for rule to show cause that is filed after the case has been assigned to a judge shall be scheduled at the discretion of the assigned judge.

Local Rule 208.3(a) CC: Motions

(1) Motions shall be in writing, shall include a proposed Order of Court, and shall comply with the requirements of Pa. R. Civ. P. 208.2.
(2) Motions Court shall be held every Monday at 9:00 a.m. at the Courthouse in Ebensburg before the judge assigned to Motions Court for that month. If Motions Court falls on a holiday, it will be scheduled on the next business day.
    (i) All motions filed before 12:00 p.m. on Wednesday will be scheduled for Motions Court on the following Monday unless the moving party requests a later date.
    (ii) Counsel shall file motions with the prothonotary and serve a copy thereof on opposing parties, or their counsel, with a certificate of service attached to the original motion certifying how service was effected.
    (iii) Arguments shall be limited to five (5) minutes for each party. Should any party wish to rebut the opposing argument, he or she shall reserve rebuttal time from the initial five (5) minute time allotment. No testimony or evidence shall be accepted at argument, except at the discretion of the Court.
    (iv) All counsel properly notified of a scheduled motion must appear at Motions Court, unless written consent to the motion is timely received by the Court or counsel is excused by the Court. The Court may, in its discretion, impose sanctions as it deems appropriate for failure to appear without good cause shown, to include counsel's payment of up to $1,000.00 to the Cambria County Special Administration Fund, or directing counsel to appear at a rule to show cause hearing to determine the applicability of 42 Pa. C.S. § 4112 relating to contempt.
    (v) All motions shall be heard at Motions Court, except as follows:
        (A) Motions in cases that have been assigned to a judge will be heard by said judge, including cases involving asbestos and medical malpractice.
        (B) Motions requiring an evidentiary hearing will be scheduled by the Court

Administrator.

(C) Family law motions will be heard by the judge assigned to the Domestic Relations Section of the Court of Common Pleas during the regularly-scheduled time for Motions Court. (*See also* Domestic Relations, Local Rules 1910.12 CC through 1920.93 CC for other Rules regarding Domestic Relations.)

(D) Motions for summary judgment and motions for judgment on the pleadings will be scheduled for Argument Court (Local Rule 260 CC) or Collection Court (Local Rule 261 CC).

(E) Motions for continuance will be heard by the judge assigned to the case or by the judge assigned to the division of the court in which the case is filed.

Local Rule 210 CC: Form of Briefs

Briefs shall be typewritten, printed, or otherwise duplicated and endorsed with the name of the case, the court and number and the name, address and telephone number of the attorney or the party if not represented by an attorney.

Local Rule 212 CC: Pre-Trial and Settlement Conferences

(a) **Initial Pre-Trial Conference – Call of the List**

(1) On the first business day of each month, the prothonotary shall prepare of list of all civil cases, other than family law cases and Collection Court matters, in which an answer has been filed or ninety (90) days have elapsed from the date the complaint was filed, whichever shall first occur.

(2) This list shall be transmitted to the Court Administrator, who shall schedule a call of the list by the Court on the third Monday of that month at 9:00 a.m.

(3) At this call of the list, the following shall be discussed and, to the extent possible, resolved:

(i) The general facts of the case;

(ii) The status of discovery and the need for and establishment of a discovery schedule;

(iii) The discussion of any novel legal questions that are or may be at issue in the case; and

(iv) The status of any settlement discussions.

(4) Following the call of the list, the Court shall issue an order directing whether:

(i) The case shall be referred to arbitration;

(ii) The parties shall be permitted to engage in discovery for a period to be set by the Court, at which point the case shall be referred to the Court Administrator for assignment to a judge for trial;

(iii) The case is deemed complex, or for any other reason the Court deems it appropriate, and shall be referred to the Court Administrator for immediate assignment to a judge; or

(iv) Such other resolution as the Court deems appropriate.

(b) **Pre-Trial Statement**

(1) The assigned judge shall set a conference and establish a schedule for the filing of narrative statements, which shall contain the following, where applicable:

(i) The issues involved, including a brief account of the facts to be proven in support of the pleadings.

(ii) The names and addresses of witnesses to be called at trial.

(iii) The documents and exhibits to be offered into evidence at trial, with copies attached where practical.

(iv) An itemized statement of damages and the relief requested.

(v) Copies of reports of experts, medical or otherwise, who will be called as witnesses. At trial, the testimony of the expert shall not exceed the scope of his or her report.

(2) If counsel fails to file the required narrative statement or fails to appear at the conference without cause shown, the judge shall sanction said counsel, which sanctions may include a grant of non-suit, striking of the case from the trial list, directing that certain disputed facts be deemed admitted by the delinquent party, preclusion of testimony or evidence, or such other action as may be appropriate, including fining counsel for non-compliance.

(3) Supplemental narrative statements may be filed.

(c) **Settlement Conference**

(1) At the settlement conference, counsel shall be prepared to discuss possible settlement with the Court.

(2) The parties and/or persons authorized to settle the case shall be present or available by telephone, unless previously excused by the Court.

Local Rule 216 CC: Grounds for Continuance (former Local Rule 216.1 CC)

Applications for continuance shall include a proposed order of court. The proposed order shall include space for a rescheduled hearing date, including the date, time, location, and judge before whom the matter will be heard. The requesting party shall indicate on the face of the application whether each party consents or objects to a continuance and, if applicable, the reason(s) for objecting. If efforts to reach opposing counsel or unrepresented parties are unsuccessful, counsel must outline the steps taken to contact opposing counsel or the party. Applications that do not substantially conform to the rules will be denied. A civil continuance request shall be in substantially the following form:

CIVIL CONTINUANCE REQUEST

_____,	*	No.
Plaintiff,	*	This case is presently scheduled for
v.	*	(type of proceeding) before (judge/hearing
_____,	*	officer/conference office) on (date).
Defendant.	*	

(1) Reason for Request (attach extra sheet if necessary): _____

(2) Number of Prior Continuances: By Plaintiff _____ By Defendant _____

(3) Requesting Attorney: _____Counsel for _____ (name of client)

(Print) _____ (Sign) _____

(4) Opposing Counsel: Agrees ____ Objects _____ to the request.

(Print) _____ (Sign) _____

(5) Reason for Objecting (attach extra sheet if necessary): _____

ORDER

AND NOW, this _____ day of _____, 20____, the above Civil Continuance Request is _____ and, if applicable, proceedings in this matter are rescheduled for the _____ day of _____, 20____, at_____ o'clock _____ m., in Courtroom No. _____, Cambria County Courthouse, Ebensburg, Pennsylvania, before Judge _____.

BY THE COURT:

_____

cc: Original to the Court, cc: Counsel, Court Administrator

Local Rule 217 CC: Costs on Continuance (or Settlement of a Cause of Action)

(a) Except as noted in (b), when a continuance is granted upon application of a party or a case is settled, either within five (5) days of the date set for jury selection or after a jury has been impaneled, the Court may impose on the party making the application for continuance or on both parties, if the case is settled, the reasonable costs actually incurred by the County in impaneling said jury.

(b) In asbestos cases, when a continuance is granted upon application of a party or a case is settled after 2:00 pm the day before jury selection, the Court may impose on the party making the application for continuance or on both parties, if the case is settled, the reasonable costs actually incurred by the County in impaneling said jury.

(c) When a continuance has been granted or a case has been settled under the circumstances outlined above and costs imposed, the party upon whom such costs have been imposed may not, so long as such costs remain unpaid, take any further step in such or any other suit without prior leave of court.

Local Rule 220.1 CC: Voir Dire (former Local Rule 221.1 CC)

Counsel or an unrepresented party may submit, or if ordered by the Court, shall submit, proposed voir dire questions for the prospective jurors empanelled for the case. The proposed voir dire questions shall be submitted on or before the date set by the assigned judge for jury selection.

Local Rule 260 CC: Argument Court Procedure

(a) All motions for summary judgment and motions for judgment on the pleadings shall be heard, en banc, on the last Friday of every month except as noted in (c) of this rule and Local Rule 261 CC. *See also* Local Rules 1035.2(a) CC (Motion for Summary Judgment) and 1034(a) CC (Motion for Judgment on the Pleadings).

(b) All preliminary objections shall be heard before a single judge on the last Friday of every month except as noted in (c) of this rule and Local Rule 261 CC. *See also* Local Rule 1028(c) CC (Preliminary Objections).

(c) This rule shall not apply to cases involving medical malpractice or asbestos, which shall be scheduled before a single judge at the discretion of the Court Administrator.

(d) The prothonotary shall keep an argument list book and shall enter in it the names of all cases in which pre-trial or post-trial motions have been filed, except as noted in Local Rule 261 CC.

(e) Three (3) weeks before the day fixed for Argument Court, the prothonotary shall prepare a list of cases for argument. Cases shall be listed for times certain and all counsel must be present at the time assigned. At least two (2) weeks before Argument Court, the prothonotary shall mail each counsel of record a printed list of all cases listed for argument, with the names of counsel for the respective parties. If a party is not represented by counsel, the prothonotary shall mail the list to the party at his or her address appearing in the proceeding.

(f) In the event that counsel for any party fails to appear at the assigned time for argument, without cause shown, the Court may sanction said counsel in such manner as it deems appropriate, including fining the delinquent counsel.

(g) The movant is required to submit a short brief of the questions he or she intends to argue, with the authorities relied upon. Four (4) copies of briefs for summary judgment motions and judgment on the pleadings motions shall be filed with the prothonotary on the Monday, eleven (11) days before the Friday fixed for Argument Court. Two (2) copies of briefs for preliminary objections shall be filed with the prothonotary on or before the Monday, eleven (11) days before the Friday fixed for Argument Court.

(h) The respondent is required to submit a short brief of the questions he or she intends to argue, with the authorities relied upon. Four (4) copies of briefs for summary judgment motions and judgment on the pleadings motions shall be filed with the prothonotary on or before the Monday before the date fixed for Argument Court. Two (2) copies of briefs for preliminary objections shall be filed with the prothonotary on or before the Monday before the date fixed for Argument Court.

(i) The prothonotary shall list for general call at the first civil Argument Court held after January 1 of each year, all civil matters, except for divorce and custody matters, with no docket activity within two (2) years or more prior thereto, and shall give notice thereof to counsel of record, and to the parties for whom no appearance has been entered, as provided by Pa. R.J.A. 1901(c). Anyone objecting to a dismissal of the case shall file a praecipe setting forth the present status of the case, what further action needs to be done, and the time frame in which such action can be completed. If no praecipe objecting to the dismissal is docketed in such matter prior to the commencement of the general call on the first day of said Court, the prothonotary shall strike the matter from the list and, if no good cause for continuing the matter is shown, the Court shall enter an Order dismissing the matter with prejudice for failure to prosecute, under the provisions of this rule.

(j) Briefs submitted under this rule shall also abide by Local Rule 210 CC: Form of Briefs.

Local Rule 261 CC: Collection Court Procedure

(a) All motions for summary judgment, motions for judgment on pleadings and preliminary objections in cases involving default on a consumer credit line, or foreclosure of a residential mortgage shall be listed for Collection Court.

(b) Collection Court shall be heard before a single judge on the third Friday of every month.

(c) Three (3) weeks before the day fixed for Collection Court, the prothonotary shall prepare a list of cases for argument. Cases shall be listed for times certain and all counsel must be present at the time assigned. The prothonotary shall mail each counsel of record a printed list of all cases listed for argument, with the names of counsel for the respective parties. If a party is not represented by counsel, the prothonotary shall mail the list to the party at his or her address appearing in the proceeding.

(d) In the event that counsel for any party fails to appear at the assigned time for argument without cause, the Court may sanction said counsel in such manner as it deems appropriate, including fining the delinquent counsel.

(e) The movant is required to submit a short brief of the questions he or she intends to argue, with the authorities relied upon. Two (2) copies of briefs for summary judgment motions, judgment on the pleadings motions, and preliminary objections shall be filed with the prothonotary and one (1) copy to the opposing party on the Monday, eleven (11) days before the Friday fixed for Collection Court. The respondent is required to submit a short brief of the questions he or she intends to argue, with the authorities relied

upon. Two (2) copies of briefs for summary judgment motions, judgment on the pleadings motions, and preliminary objections shall be filed with the prothonotary and one (1) copy to the opposing party on or before the Monday immediately before the date fixed for Collection Court.

Local Rule 270 CC: Fees for Transcripts

For each page of transcript produced, the court reporter shall be paid $2.00 per page of original transcript. No fee shall be paid to such reporter for copies provided to the county.

Local Rule 271 CC: Request and Order for Transcripts

Before a transcript of testimony is to be typed by a court reporter, unless directed to do so by the Court, counsel making the request must present an Order substantially in the form attached hereto to be signed by a judge. The original of the Order shall be filed in the prothonotary's office and a copy of same served upon the court reporter, the Court Administrator, and opposing counsel.

IN THE COURT OF COMMON PLEAS OF CAMBRIA COUNTY, PENNSYLVANIA
_____DIVISION

_____	:	No.
Plaintiff,	:	
vs.	:	
_____	:	
Defendant.	:	

APPLICATION FOR ORDER TO TRANSCRIBE RECORD

TO THE HONORABLE JUDGES OF SAID COURT:

1. Applicant is counsel for _____.

2. Application is made for an order to transcribe the following portion of the record: _____
_____.

3. The transcribed record is wanted for the following purposes:
_____ An Appeal was filed in the _____ Court by _____ on the _____ day of _____, 20____.
_____ Other Reason.

4. Applicant requests _____copy(s) to be paid for by:
_____ Applicant; or
_____ County, because Applicant is counsel for Commonwealth or indigent defendant in criminal case.
_____ County, because Applicant is counsel for an indigent in a civil case.

5. Date of hearing(s): _____.

6. Date of Verdict, Judgment, Order or Sentence (if applicable): _____.
Date transcript is to be completed: _____.

Date: _____ Applicant:_____

Counsel for applicant: _____

ORDER

AND NOW, on this _____ day of _____, 20____, the application is _____.
Cost of the original shall be paid by (Applicant/ County); cost of copies requested shall be paid by (Applicant/ County).

By the court:

_____

List of Counsel:

Local Rule 1018.1 CC: Notice to Defend. Form.

The agency to be named in the notice from which legal help can be obtained shall be:

Laurel Legal Services, Inc.
227 Franklin Street
Suite 400
Johnstown, PA 15901
Telephone: (814) 536-8917
Fax: (814) 535-3377

Local Rule 1028(c) CC: Preliminary Objections.

(1) Preliminary objections shall be scheduled by the prothonotary for Argument Court in accordance with the procedure set forth in Local Rule 260 CC, except as noted in (2).

(2) (i) Preliminary objections filed in cases involving default on a consumer credit line or foreclosure of a residential mortgage shall be scheduled by the prothonotary for Collection Court in accordance with the procedure set forth in Local Rule 261 CC.

(ii) Preliminary objections filed in asbestos cases shall be heard by the judge primarily responsible for asbestos motions. The hearing schedule and briefing schedule will be at the discretion of said judge.

(iii) Preliminary objections filed in medical malpractice cases shall be heard by the judge primarily responsible for medical malpractice motions. The hearing schedule and briefing schedule will be at the discretion of said judge.

(iv) Preliminary objections filed in family law cases shall be heard by the judge primarily responsible for family law motions. The hearing schedule and briefing schedule will be at the discretion of said judge.

(3) The prothonotary shall mail to all counsel of record, at least two (2) weeks before Argument Court and Collection Court, a printed list of all cases listed for argument, with the names of counsel for the respective parties, and a briefing schedule. If a party is not represented by counsel, the prothonotary shall mail the list to the party at the address appearing in the proceeding.

Local Rule 1034(a) CC: Motion for Judgment on the Pleadings.

(1) Motions for judgment on the pleadings filed with the prothonotary shall be scheduled by the prothonotary for Argument Court in accordance with the procedure set forth in Local Rule 260 CC, except as noted in (2).

(2) (i) Motions for judgment on the pleadings filed in cases involving default on a consumer credit line or foreclosure of a residential mortgage shall be scheduled by the prothonotary for Collection Court in accordance with the procedure set forth in Local Rule 261 CC.

(ii) Motions for judgment on the pleadings filed in asbestos cases shall be heard by the judge primarily responsible for asbestos motions. The hearing schedule and briefing schedule will be at the discretion of said judge.

(iii)Motions for judgment on the pleadings filed in medical malpractice cases shall be heard by the judge primarily responsible for medical malpractice motions. The hearing schedule and briefing schedule will be at the discretion of said judge.

(3) The prothonotary shall mail to all counsel of record, at least two (2) weeks before Argument Court and Collection Court, a printed list of all cases listed for argument, with the names of counsel for the respective parties, and a briefing schedule. If a party is not represented by counsel, the prothonotary shall mail the list to the party at the address appearing in the proceedings.

Local Rule 1035.2(a) CC: Motion for Summary Judgment.

(1) Motions for summary judgment filed with the prothonotary shall be scheduled by the prothonotary for Argument Court in accordance with the procedure set forth in Local Rule 260 CC, except as noted in (2).

(2) (i) Motions for summary judgment filed in cases involving default on a consumer credit line or foreclosure of a residential mortgage shall be scheduled by the prothonotary for Collection Court in accordance with the procedure set forth in Local Rule 261 CC.

(ii) Motions for summary judgment filed in asbestos cases shall be heard by the judge primarily responsible for asbestos motions. The hearing schedule and briefing schedule will be at the discretion of said judge.

(iii)Motions for summary judgment filed in medical malpractice cases shall be heard by the judge primarily responsible for medical malpractice motions. The hearing schedule and briefing schedule will be at the discretion of said judge.

(3) The prothonotary shall mail to all counsel of record, at least two (2) weeks before Argument Court and Collection Court, a printed list of all cases listed for argument, with the names of counsel for the respective parties, and a briefing schedule. If a party is not represented by counsel, the prothonotary shall mail the list to the party at the address appearing in the proceedings.

Local Rule 1038.4 CC: Summary Jury Trials

(a) Individual parties shall attend the summary jury trial. An officer or other responsible lay representative of a corporate party or claims adjuster for a carrier shall attend the trial.

(b) The summary jury trials are for settlement purposes only and are non-binding. Nothing done by counsel with reference to the summary jury trial shall be binding on counsel or the parties, or shall constitute a waiver. Summary trials may be binding if agreed by all parties and the Court.

(c) The cases will be submitted to the summary juries by way of special verdict questions. Counsel shall submit a joint statement of proposed special verdict questions for use at the summary jury trial prior to the selection of the jury. Special verdict questions for the summary trial need not be the same as those for the regular jury trial. The jury will determine the amount of damages. The Court will determine the format to be used and rule on disputed questions.

(d) The number of summary jurors is six (6). The number of preemptory challenges is two (2).

(e) Each side shall be entitled to one (1) hour for presentation of its case, unless counsel

presents a compelling reason at pre-trial conference why more time for each side should be allocated. Presentation of the case by counsel will involve a combination of argument, summarization of the evidence to be presented at the regular trial, and a statement of the applicable law, but only to the extent it is needed to be known by the jury in answering the special verdict questions. No live testimony will be presented, except in cases where credibility will determine the major issues. In such cases, no more than two (2) witnesses for each side may be called for full direct examination and cross-examination. Counsel may quote from depositions and may use exhibits and videotapes. Counsel should not refer to evidence which would not be admissible at trial. The plaintiff shall proceed first, and shall have a short rebuttal.

(f) The Court will charge the jury on the applicable law to the extent it is appropriate and needed to be known by the jury in answering the special verdict questions. The attorneys shall agree upon the points for charge. The points for charge shall be submitted to the Court prior to the selection of the summary jury. The Court shall rule on any disputes on a point for charge.

(g) The jury will be asked to return a verdict if five (5) of the six (6) of the members agree to it. The same 5/6 majority must be in agreement with respect to each special verdict question.

(h) If the jury does not reach a 5/6 majority verdict within a reasonable time (2 hours), the Court will consider polling the jurors individually.

(i) After the verdict, counsel may address questions in open court to the foreperson of the jury. Only questions that can be answered yes or no or by a dollar figure may be asked. The attorneys shall be limited to ten (10) questions each, unless a greater number is allowed by the Court for cause shown. No questions shall be asked to which the answer will disclose the personal view of any particular member of the jury.

(j) Should the summary trial not result in a settlement, the regular trial shall not be held during the same calendar week unless the summary jury is dismissed and will not come into contact with the balance of the venire.

(k) The summary trial is an extension of the settlement conference, and the verdict will not be released to the media.

Local Rule 1300 CC: Arbitration Limits

All civil actions which are at issue where the amount in controversy is $50,000 or less, (exclusive of interest and costs), except those involving title to real estate, equity actions, mandamus, quo warranto, and mortgage foreclosure, shall be tried and decided by a board of arbitrators consisting of three (3) attorneys.

Local Rule 1302 CC: Appointment of Arbitration Board – Preferred Method

Upon praecipe of any party, the prothonotary shall select nine (9) names, in alphabetical order, from the list of attorneys available, and an additional three (3) for each additional party with an adverse interest. Each party shall then strike off three (3) attorneys. The remaining three (3) shall comprise the board of arbitration. In the absence of a specific request, this shall be the preferred method of selecting an arbitration panel.

Local Rule 1302.1 CC: Appointment of Arbitration Board – Alternative Method 1

Upon praecipe, the prothonotary shall appoint a board of arbitrators, consisting of three (3) attorneys from the list of attorneys qualified to act. Immediately after appointment of the board of arbitrators, the prothonotary shall notify the attorney in writing of their appointment and shall notify counsel of record. In case any attorney is disqualified, or fails to act, the prothonotary shall appoint the next attorney on the list in his or her place. Any attorney disqualified in a case shall be put at the head of the list of attorneys available for the next case. Any attorney who fails to act and is replaced by the prothonotary shall be put at the bottom of the list of attorneys.

Local Rule 1302.2 CC: Appointment of Arbitration Board – Alternative Method 2

In lieu of Local Rules 1302(b) CC and 1302(b).1 CC, counsel for all plaintiffs may name a competent arbitrator from the county arbitration list, and counsel for all defendants may then name a competent arbitrator from the county arbitration list. The two (2) so selected will select a third. If selection of the third arbitrator cannot be agreed upon within ten (10) days, either party may request that the selection be made by a judge from the county arbitration list. The three (3) arbitrators so selected shall designate which of them is to be the chairperson. The finally selected panel shall then be filed by the chairperson with the prothonotary who will then appoint the arbitrators who have been selected.

Local Rule 1302.3 CC: Arbitration Chairperson

Except as provided in Local Rule 1302.2 CC, the first member named, who has been admitted to practice law for at least three (3) years, shall be chairperson of the board otherwise agreed upon by the panel.

Local Rule 1302.4 CC: Arbitrator Conflicts of Interest

Not more than one (1) member of a firm or association of attorneys shall be appointed to the board, nor shall any attorney be appointed who is associated with, or who maintains a common office, in whole or in part, with any counsel of record.

Local Rule 1303 CC: Hearing. Notice.

The chairperson shall fix a time for hearing after conferring with counsel and the other arbitrators as to suitable dates and shall notify the parties, or their counsel, in writing, at least thirty (30) days before the hearing of the time and place of hearing. The first hearing shall be scheduled within ninety (90) days of the appointment of the board. Hearings shall be held either at the Courthouse at Ebensburg or at the Judges' Chambers in Johnstown, unless the parties, by agreement, shall designate another place and the arbitrators concur in such designation. Note: *See* Pa. R. Civ. P. 248, as to the shortening or extending of time for the giving of notice. Notice of the Hearing shall be sent to the Court Administrator.

Local Rule 1303.1 CC: Arbitration Motions for Continuance

Unless agreed to by all counsel, only a judge may continue an arbitration hearing. It shall be the obligation of the party or counsel requesting the continuance to notify the board of arbitrators and other counsel of the request for continuance.

Local Rule 1307 CC: Arbitration Award

The board of arbitrators shall make its report and render its award within twenty (20) days after the conclusion of the hearing.

Local Rule 1308.1 CC: Arbitrator Compensation

Each arbitrator shall be entitled to receive $200.00 for each half day or part thereof involved in hearing a case, except the chairperson, who shall receive $250.00 for each half day or part thereof. The time spent on the case shall be certified by the chairperson. Upon the filing of their report and award, the prothonotary shall certify the arbitrators' fee for payment under the procedure followed as to other debts of the county. One-half day shall constitute three (3) hours or less.

Local Rule 1332 CC: Noncompulsory Arbitration

Cases which are not otherwise eligible for compulsory arbitration may be referred to a Board of Arbitration by agreement of referral signed by counsel for both sides of the case or by Order of Court following the initial status conference and call of the list conducted pursuant to Local Rule 212 CC. The agreement of referral shall define the issue involved for determination by the board, and when agreeable, shall also contain stipulations with respect to facts submitted or agreed, or defenses waived. In such cases, the agreement of referral shall be filed of record.

Local Rule 1333 CC: Arbitration Fees

The prothonotary shall charge the same fees for cases on the Arbitration List as charged for cases on the Trial List.

ACTIONS FOR SUPPORT

Local Rule 1910.12 CC: Office Conference. Hearing. Record. Exceptions. Order.

(a) The procedures set forth in Pa. R. Civ. P. 1910.12 shall be utilized.
(b) The Court will select, appoint, and establish the duties of hearing officers in support actions. The compensation of the standing hearing officers shall be set by the Cambria County Salary Board.

ACTIONS FOR CUSTODY, PARTIAL CUSTODY, AND VISITATION OF MINOR CHILDREN

Local Rule 1915.3 CC: Commencement of Action. Hearing Officers. Fees.

(a) Any party filing a complaint in an action for custody, partial custody and visitation of minor children, or a pleading requesting modification of an existing court order pertaining to the same, shall file an original and one (1) copy of the pleading in the prothonotary's office. The prothonotary shall immediately forward a certified copy of the pleading to the Cambria County Domestic Relations Office.
(b) The Court may appoint a hearing officer to hear the matter. (Pa. R. Civ. P. 1915.4-1). When a hearing officer is appointed, the matter shall thereafter proceed in accordance with Pa. R. Civ. P. 1915.4-2.
(c) In addition to the filing fee assessed for the filing of a complaint, an administrative fee in the amount of $100.00 shall be paid to the prothonotary simultaneously with the filing of a complaint in an action for custody, partial custody, or visitation of minor children, or a petition for modification of an existing order involving custody, partial custody, and visitation of minor children. The initial fee of $100.00 shall entitle the parties to one (1) hour of the appointed hearing officer's time. Should the hearing officer's time exceed one (1) hour, an additional fee of $100.00 per hour will be assessed and paid by the parties in proportions to be determined by the hearing officer.
(d) At the pre-hearing custody conference, testimony may be taken if exigent circumstances exist or if such circumstances are plead in the complaint or the petition to modify.
(e) *See also* Business of Courts, Local Rule 208.3(a) CC (Motions) for procedures regarding Family Law Motions Court.

Local Rule 1915.4(f) CC: Custody Hearing

A complaint, counterclaim, or petition for modification, which makes a request for shared or primary physical custody shall:

(1) Be heard before a hearing officer except noted in (2).
  (i) The hearing officer shall receive evidence, hear testimony, and file with the Court a report containing a recommendation and a proposed order of court with respect to the entry of an order of custody.
  (ii) Within twenty (20) days of the filing of the report by the hearing officer, any party may file exceptions to the report or any part thereof, to rulings on

evidentiary objections, to statements or findings of facts, to conclusions of law, or to any other matters occurring during the hearing. Each exception shall set forth a separate objection precisely and without discussion. Matters not covered by exceptions are deemed waived unless, prior to entry of the final order, leave is granted to file exceptions raising those matters. If exceptions are filed, any other party may file exceptions within twenty (20) days of the date of service of the original exceptions.

(iii) Within twenty (20) days of the filing of the report by the hearing officer, any party may move for a *de novo* hearing before a judge in lieu of or in addition to the filing of exceptions.

(2) Be heard before a judge in lieu of a hearing officer upon application of any party.

Local Rule 1915.4-4 CC: Pre-Hearing Procedures

(h) During the pre-hearing conference, the hearing officer may, at his or her discretion, receive evidence and/or argument regarding exigent custodial circumstances. A party must notify the hearing officer and opposing party at least seven (7) calendar days prior to the scheduled pre-hearing conference if he or she intends to offer evidence, unless the parties agree otherwise, but subject to the final approval of the hearing officer. The hearing officer may recommend to the Court an interim order awarding temporary legal and/or physical custody.

Local Rule 1915.13 CC: Special Relief – Emergency Petition for Special Relief Summary Hearing

(a) At any time after commencement of the action, a party may file an Emergency Petition for Special Relief Summary Hearing by Wednesday at 12:00 p.m. to be considered by the judge assigned to Domestic Relations matters, at the Court's discretion, for a summary hearing including fifteen (15) minutes of oral argument on the following Monday starting at 9:15 a.m. or as subsequently scheduled by the Court. No summary hearing will take place unless the moving party serves opposing counsel or pro se litigant with notice.

(b) At the conclusion of a summary hearing, the Court may grant appropriate interim or special relief. This relief may include, but is not limited to, the award of temporary legal or physical custody; the issuance of appropriate process directing that a child or a party or person having physical custody of a child be brought before the Court; and a direction that a person post security to appear with the child when directed by the Court or to comply with any Order of Court.

(c) The hearing officer conducting the custody hearing shall not be bound by the Court's granting or denial of relief at a summary hearing.

Local Rule 1915.30 CC: Child Custody Education Program

(a) Every party to an initial custody action shall attend Cambria County's approved, education program for separating or divorcing parents.

(b) Upon application, the Court will consider a request for a party's attendance at an alternative program.

(c) Failure to attend the education program will result in a contempt of court proceeding.

(d) The filing of a custody consent agreement shall not relieve the parties of their obligation to attend Cambria County's approved education program.

ACTIONS OF DIVORCE OR ANNULMENT OF MARRIAGE

Local Rule 1920.51(f) CC: Divorce Master

(1) Any party filing a complaint or counterclaim in an action of divorce (other than a one-count divorce) or for annulment of marriage shall file an original and one (1) copy of the pleading in the prothonotary's office. The Court will, on its own motion, appoint a master with respect to those matters contained in the action in those instances where the appointment of a master is permitted. The matter shall thereafter proceed in accordance with Pennsylvania Rules of Civil Procedure.

(2) In addition to the filing fee assessed for the filing of a complaint, an administrative fee in the amount of $500.00 shall be paid to the Cambria County Prothonotary simultaneously with the filing of a divorce complaint or counterclaim which raises for the first time any issue other than a count for divorce under Section 3301(c) and/or (d) of the Divorce Code. If a claim is filed to preserve an issue and a party requests in writing that no hearing is needed then the counterclaim shall be accepted without payment of Master's Fees. The initial fee of $500.00 shall entitle the parties to a one (1) hour pre-hearing conference and a three (3) hour hearing. If any additional time is needed, an additional fee of $100.00 per hour will be assessed and paid by the parties in proportions to be determined by a master.

(3) Upon a filing of a complaint or counterclaim for alimony pendente lite, either party may petition to defer or apportion fees assessed under Section (2) of this rule based on financial need.

(4) The Court will select, appoint, and establish the duties of the standing master. The compensation of the standing masters shall be set by the Cambria County Salary Board.

Local Rule 1920.93 CC: Pre-Hearing Conferences and Pre-Hearing Statements

(a) The order scheduling a pre-hearing conference shall require the parties and their attorneys to meet one-half hour prior to the conference starting time. The parties shall attempt a good faith resolution of the action during the meeting.

(b) If an action is not resolved at a pre-hearing conference, the hearing officer/master shall:

(1) Estimate the total amount of time needed for hearing;

(2) Determine the amount of additional fee to be paid; and

(3) Submit a proposed order to the Court regarding payment of the estimated additional fee.

(4) All additional fees must be paid in full no later than thirty (30) days prior to the scheduled hearing.

(i) Nonpayment by the moving party may result in the Court's continuance of the scheduled hearing and rescheduling of the hearing only upon payment of said fees.

(ii) Nonpayment by the nonmoving party may not preclude the Court from directing the prothonotary from scheduling the hearing or issuing a Rule to Show Cause as to why the nonmoving party should not be subject to a default judgment for nonpayment.

(iii)All actions requiring additional fees shall be reviewed by the judge assigned to the Domestic Relations Section of the Court of Common Pleas to determine whether to delay the matter for nonpayment.

(c) Upon motion of either party or if appointment is recommended by a standing master, the Court may appoint a special master in a divorce action. A proposed order should be submitted to the Court for the appointment of a special master. The total Master's Fees shall be decided on a case-by-case basis.

(d) A pre-hearing statement must be filed by each party in divorce cases involving equitable distribution where a hearing has been scheduled. The original pre-hearing statement shall be filed with the prothonotary at least thirty (30) days prior to hearing. Each party shall serve copies of the pre-hearing statement on the master and opposing counsel, or on the unrepresented adverse party, by first class mail on the same day as filing. The pre-hearing statement shall contain at least the following (in addition to any other requirements established by the master):

(1) Narrative statement of the pertinent facts;
(2) Description of the property in controversy, including valuations of the date of separation and as of the date of the hearing;
(3) List of witnesses, including name, address and telephone number;
(4) Identification of all reports;
(5) Proposed schedule of distribution;
(6) List of exhibits; and
(7) Copies of federal and state income tax returns complete with all schedules and attachments for the preceding three (3) tax years; and certificate of service indicating service on the same day of filing.

DISCOVERY

Local Rule 4007.1 CC: Place of Depositions

If the parties do not agree, the place of the taking of any depositions in an action shall be in the Cambria County Courthouse in Ebensburg, Pennsylvania, or in the Judge's Chambers in Johnstown, Pennsylvania, unless the Court otherwise directs.

Revised November 2015.