

COURT OF COMMON PLEAS OF CLINTON COUNTY, PENNSYLVANIA

In re:

NO.

114-09

ORDER AMENDING CLINTON COUNTY
RULES OF CIVIL PROCEDURE

ORDER

AND NOW, this 19 day of January, 2009, IT IS HEREBY

ORDERED that all existing Clinton County Rules of Civil Procedure be revoked and the following new Rules adopted as set forth hereafter:

RULES OF CONSTRUCTION

Title and Citation of Rules
Rule 51.1

1. These rules shall be known as the Clinton County Rules of Civil Procedure and may be cited as "Clinton R.C.P. (No. _____)." No. _____
2. These rules shall govern all proceedings in the civil division of the Court and shall be construed either consistent with or subordinate to all rules or decisions of the Supreme Court of Pennsylvania, the rules of the Judicial Council of Pennsylvania, or any statutes still in effect governing practice and procedure.

FILED
CLINTON COUNTY, PA
JAN 19 2009
SHERIFF L. K...

MICHAEL WILLIAMSON
PRESIDENT JUDGE
COURT OF COMMON PLEAS
25TH JUDICIAL DISTRICT
OF PENNSYLVANIA
COURTHOUSE
LOCK HAVEN, PA 17745

SCANNED

**PETITION PROCEDURE
RULE TO SHOW CAUSE
Rule 206.4(c)**

1. The procedure specified in Pennsylvania Rule of Civil Procedure 206.5 is adopted to govern petition practice in Clinton County. The issuance of a Rule to Show Cause shall be discretionary with the Court in accordance with that Rule.
2. The provisions of this rule shall not be applicable to Preliminary Objections.
3. After a petition has been time-stamped in the Prothonotary's Office, such petition may be presented to the Court as follows:
 - a. Any petition may be presented to an available judge at 8:30 a.m. on any business day or in open court immediately preceding or following any court proceeding.
 - b. Any petition may be delivered to the Court Administrator who shall refer the petition to the appropriate judge.
4. All petitions shall contain a certification by counsel that concurrence in the petition has been sought and that such concurrence has been given or denied. Counsel shall take reasonable steps to secure such concurrence or non-concurrence. Concurrence need not be sought of *pro se* parties. Certification shall be on a separate piece of paper, attached to the petition at the end thereof. If concurrence or non-concurrence cannot be secured after reasonable efforts, the petition may be filed without said certification, but the petitioner shall thereafter have a continuing duty to file such a certification within a reasonable time.
5. The Petitioner shall attach to the Petition a proposed order substantially in the form set forth in Pa. R.C.P. No. 206.5(d).

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PRESIDENT JUDGE
—
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6. At the time the petition is time-stamped, a copy of the petition, together with a copy of the proposed order, shall be served in accordance with Pa. R.C.P. No. 440. It shall be presumed that members of the Clinton County Bar agree that their mailbox in the Prothonotary's Office is designated as an appropriate place for service unless they note otherwise on the first page of their pleading.
7. Any Petition which is insufficient on its face will be returned unsigned to the Prothonotary without further notice to counsel.

MOTIONS

Rule 208.2(d) and (e) Uncontested Motions/Certification of Concurrence

All Motions, including any motion pertaining to discovery, shall contain a certification by counsel that concurrence in the motion has been sought and that such concurrence has been given or denied. Counsel shall take reasonable steps to secure such concurrence or non-concurrence. Concurrence need not be sought of *pro se* parties. Certification shall be on a separate piece of paper, attached to the motion at the end thereof. If concurrence or non-concurrence cannot be secured after reasonable efforts, the motion may be filed without said certification, but the moving party shall thereafter have a continuing duty to file such a certification within a reasonable time.

Rule 208.3(a) Motion Practice

1. After a motion has been time-stamped in the Prothonotary's Office, such motion may be presented to the Court as follows:

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- a. Any motion may be presented to an available judge at 8:30 a.m. on any business day or in open court immediately preceding or following any court proceeding.
 - b. Any motion may be delivered to the Court Administrator who shall refer the motion to the appropriate judge.
2. Counsel shall prepare and submit a proposed order with any motion.
 3. At the time the motion is time-stamped, a copy of the motion, together with a copy of the proposed order shall be served in accordance with Pa. R.C.P. No. 440.
 4. Any motion which is insufficient on its face will be returned unsigned to the Prothonotary without further notice to counsel.

**Service by Publication
Rule 430.1**

Service by publication authorized by Pa. R.C.P. No. 430(a) shall be made by publishing a notice of the action one (1) time in one (1) newspaper of general circulation within Clinton County; proof of publication shall be filed with the Prothonotary.

PLEADINGS

**Notice to Defend. Form.
Rule 1018.1**

The designated officer to be named in the Notice to Defend from whom legal help can be obtained as required by Pa.R.C.P. No. 1018.1 shall be:

Court Administrator
Court of Common Pleas of Clinton County
230 E. Water Street
Lock Haven, PA 17745
570-893-4016

MICHAEL WILLIAMSON
PRESIDENT JUDGE
COURT OF COMMON PLEAS
25TH JUDICIAL DISTRICT
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**Procedures Concerning Disposition of
Preliminary Objections
Rule 1028(c)**

1. Procedure Defined

- a. Preliminary Objections shall be accompanied by a memorandum of law which shall be designated for immediate distribution to the Court and not filed of record.
- b. Service shall be made in conformity with Pa. R.C.P. No. 440.
- c. All Preliminary Objections shall be accompanied by a notice plainly appearing on the face thereof of the date the motion was filed with the Prothonotary and advising that a reply memorandum of law must be submitted within thirty (30) days from that date. The reply memorandum shall not be filed of record. The moving party shall also file an affidavit of service which shall state that the notice required by this rule has been given.
- d. The Prothonotary shall immediately send the Preliminary Objections and the accompanying memorandum to the Court Administrator who shall refer the matter to the appropriate judge. All requests for an extension of the thirty (30) day period to answer Preliminary Objections must be approved by the Court by a motion addressed to the Court Administrator; no agreement entered into solely by the parties will be honored by the Court.
- e. Any Preliminary Objections filed without the accompanying memorandum may be dismissed. If a reply memorandum has not been filed pursuant to the

notice required by section c of this rule, the Court may dispose of the matter without such memorandum.

- f. If any matter is settled or withdrawn prior to disposition, the Court Administrator shall be promptly advised, and the moving party shall file an appropriate praecipe with the Prothonotary.
- g. The Court in its discretion may grant additional time in which to file a reply memorandum, request additional memoranda, call for oral argument, advance the time for submitting memoranda, or enter an Order prior to the expiration of the thirty (30) day reply period.

2. Matters Requiring Factual Supplement to the Record.

- a. In the case of Preliminary Objections challenging jurisdiction or service, a memorandum of law and notice to opposing parties to file a reply memorandum of law within thirty (30) days need not be filed contemporaneously with the Preliminary Objections. Instead, the party filing the Preliminary Objections shall indicate that additional testimony is required.
- b. In all such cases, the party filing the Preliminary Objections shall undertake to supplement the record with the necessary facts by affidavit, deposition or testimony, as the case may require, within sixty (60) days from the filing of the Preliminary Objections.
- c. If the Court requires, the party filing the Preliminary Objections shall file a memorandum of law within two (2) weeks from the completion of the

supplementation of the record. This memorandum shall be processed as stated above.

**PROCEDURES CONCERNING DISPOSITION OF
MOTIONS FOR JUDGMENT ON THE PLEADINGS
Rule 1034(a)**

1. Procedure Defined

- a. Motions for Judgment on the Pleadings shall be accompanied by a memorandum of law which shall be designated for immediate distribution to the Court and not filed of record.
- b. Service shall be made in conformity with Pa. R.C.P. No. 440.
- c. All Motions for Judgment on the Pleadings shall be accompanied by a notice plainly appearing on the face thereof of the date the motion was filed with the Prothonotary and advising that a reply memorandum of law must be submitted within thirty (30) days from that date. The reply memorandum shall not be filed of record. The moving party shall also file with the motion an affidavit of service which shall state that the notice required by this rule has been given.
- d. The Prothonotary shall immediately send the motion to the Court Administrator who shall refer the matter to the appropriate judge. All requests for an extension of the thirty (30) day period to answer such motions must be approved by the Court by a motion addressed to the Court Administrator; no agreement entered into solely by the parties will be honored by the Court.

- e. Any motion subject to this rule which is filed without an accompanying memorandum may be dismissed. If a reply memorandum has not been filed pursuant to the notice required by section c of this rule, the Court may dispose of the matter without such memorandum.
 - f. If any matter is settled or withdrawn prior to disposition, the Court Administrator shall be promptly advised, and the moving party shall file an appropriate praecipe with the Prothonotary.
 - g. The Court in its discretion may grant additional time in which to file a reply memorandum, request additional memoranda, call for oral argument, advance the time for filing, or enter an order prior to the expiration of the thirty (30) day reply period.
2. Matters Requiring Factual Supplement to the Record.
- a. In the case of motions based on facts not presently a part of the record, a memorandum of law and notice to opposing parties to file a reply memorandum of law within thirty (30) days need not be filed contemporaneously with the motion. Instead, the moving party shall indicate that additional testimony is required.
 - b. In all such cases, the moving party shall undertake to supplement the record with the necessary facts by affidavit, deposition or testimony, as the case may require, within sixty (60) days from the filing of the motion.
 - c. If the Court requires, the moving party shall file a memorandum of law within two (2) weeks from the completion of the supplementation of the record. This memorandum shall be processed as stated above.

**PROCEDURES CONCERNING DISPOSITION OF
MOTIONS FOR SUMMARY JUDGMENT**

Rule 1035.2(a)

1. Procedure Defined

- a. Motions for Summary Judgment shall be accompanied by a memorandum of law which shall be designated for immediate distribution to the Court and not filed of record.
- b. Service shall be made in conformity with Pa. R.C.P. No. 440.
- c. All motions shall be accompanied by a notice plainly appearing on the face thereof of the date the motion was filed with the Prothonotary and advising that a reply memorandum of law must be submitted within thirty (30) days from that date. The reply memorandum shall not be filed of record. The moving party shall also file with the motion an affidavit of service which shall state that the notice required by this rule has been given.
- d. The Prothonotary shall immediately send the Motion for Summary Judgment to the Court Administrator who shall refer the matter to the appropriate judge. All requests for an extension of the thirty (30) day period to answer such motions must be approved by the Court by a motion addressed to the Court Administrator; no agreement entered into solely by the parties will be honored by the Court.
- e. Any motion subject to this rule which is filed without an accompanying memorandum may be dismissed. If a reply memorandum has not been filed pursuant to the notice required by section c of this rule, the Court may dispose of the matter without such memorandum.

- f. If any matter is settled or withdrawn prior to disposition, the Court Administrator shall be promptly advised, and the moving party shall file an appropriate praecipe with the Prothonotary.
 - g. The Court in its discretion may grant additional time in which to file a reply memorandum, request additional memoranda, call for oral argument, advance the time for filing, or enter an order prior to the expiration of the thirty (30) day reply period.
2. Matters Requiring Factual Supplement to the Record
- a. In the case of motions based on facts not presently a part of the record, a memorandum of law and notice to opposing parties to file a reply memorandum of law within thirty (30) days need not be filed contemporaneously with the motion. Instead, the moving party shall indicate that additional testimony is required.
 - b. In all such cases, the moving party shall undertake to supplement the record with the necessary facts by affidavit, deposition or testimony, as the case may require, within sixty (60) days from the filing of the motion.
 - c. If the Court requires, the moving party shall file a memorandum of law within two (2) weeks from the completion of the supplementation of the record. This memorandum shall be processed as stated above.

ACTION IN EQUITY

**Accounting by Fiduciaries
Rule 1534.1**

1. A fiduciary filing an account pursuant to Pa. R.C.P. No. 1534 shall give written notice to all parties or their counsel of record that such account will be presented for

confirmation on a date not less than thirty (30) days after such notice. Said notice shall include any proposed schedule of distribution and a statement that the account may be confirmed and distribution ordered unless exceptions are filed with the Prothonotary before that date.

2. Service of the aforesaid documents on a party shall be by personal service or upon counsel of record pursuant to Pa. R.C.P. No. 440.

MINORS AS PARTIES

Compromise, Settlement, Discontinuance and Distribution. Rule 2039.1

1. A petition for compromise, settlement, or discontinuance of an action to which a minor is a party of record shall recite the factual nature of the minor's action, the prognosis for the minor's injuries, the reasons for any proposed compromise, settlement, or discontinuance, and a request for a proposed distribution of the fund. A hearing will be scheduled at which the minor shall appear and evidence shall be presented as to the extent of the minor's injuries and such other matters as the Court deems necessary. If the petition is accompanied by (1) a written report of a physician based upon an examination of the minor within thirty (30) days preceding the filing of the petition, (2) an affidavit of each counsel of record giving an opinion as to the probabilities of proof of defendant's negligence, and of the minor's negligence, if any, and (3) in the event that the minor is sixteen (16) years of age or over, his or her written approval of the proposed settlement and distribution, the Court may approve the proposed compromise, settlement or discontinuance, and distribution without the requirement of a hearing, if satisfied of the accuracy of the

information presented and that, based upon such information, the proposed disposition of the action and distribution of the proceeds adequately compensates the minor for the injuries sustained and expenses incurred.

2. The petition shall include a detailed statement outlining attorney fees, if any, the nature of the legal services rendered, and correspondence from any insurance carrier detailing the nature of the negotiations.

CONFESSION OF JUDGMENT FOR MONEY

Judgment on Warrant More Than Twenty Years Old or on Missing or Unsigned Warrant Rule 2952.1

An application for leave of Court to enter judgment under the circumstances set forth in Pa. R.C.P. No. 2952(a)(9) shall be by petition and rule to show cause, returnable twenty (20) days after service. The petition shall set forth that the instrument containing the warrant was duly executed, that the obligation is unpaid, and that the obligor is alive. The rule shall be served personally if the obligor can be found within the Commonwealth; if the obligor cannot be found within the Commonwealth, he or she shall be served by registered mail. If the address of the obligor is unknown, notice of the rule shall be published by the Sheriff once each week for three (3) successive weeks in one newspaper of general circulation within the county. If no answer is filed within twenty (20) days after service or within five (5) days after the last publication of the notice, the rule may, on motion, forthwith be made absolute and leave granted to enter judgment in accordance with the warrant.

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ENFORCEMENT OF MONEY JUDGMENTS FOR THE PAYMENT OF MONEY

**Writ of Execution. Money Judgments. Notice.
Rule 3252.1(b)**

The designated officer to be named in the Notice to find out where legal help can be obtained as required by Pa. R.C.P. No. 3252(a) shall be:

Court Administrator

Court of Common Pleas of Clinton County

230 E. Water Street

Lock Haven, PA 17745

(570)-893-4016

DISCOVERY

**Interrogatories
Rule 4005**

Neither written Interrogatories to a party nor the Answers thereto shall be filed with the Prothonotary without leave of Court unless to supplement a Motion.

**Production of Documents
Rule 4009.1**

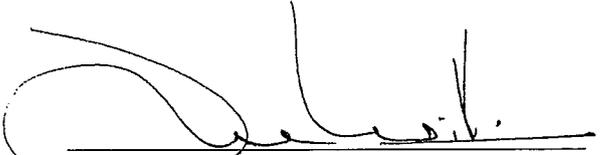
Neither Requests for Production of Documents nor the responses thereto shall be filed with the Prothonotary without leave of Court unless to supplement a Motion.

**Notice of Intent to Serve Subpoena
Rule 1009.21**

Notice to a person, not a party, of intent to serve a subpoena shall not be filed with the Prothonotary unless to supplement a Motion.

This Order shall take effect thirty (30) days after publication in the Pennsylvania Bulletin.

BY THE COURT:



J. Michael Williamson P.J.

MICHAEL WILLIAMSON
PRESIDENT JUDGE
COURT OF COMMON PLEAS
25TH JUDICIAL DISTRICT
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