

- (4) Questions which the court is satisfied that the appellant could not, by the exercise of due diligence, have raised before the zoning hearing board or the governing body of the municipality at the time of the hearing. If, upon argument, the court is satisfied that any such additional questions should be raised, further testimony shall be obtained as provided in section (b) thereof.

2. *Other Administrative Appeals*

All administrative agency appeals other than zoning appeals shall be heard by the court de novo. After the administrative officer of the municipality or hearing agency has made its return, whether or not additional evidence is required, the case shall be placed upon the appropriate list. Briefs shall be filed as the court shall direct.

Comment: In any appeal from the decision of the governing body of a municipality brought pursuant to sections 1004 or 1005 of the Pennsylvania Municipalities Planning Code (53 P.S. §11044 and 11005) challenging the validity of a municipal ordinance or map or any provision thereof, the court will follow the procedure detailed in section 1010 of the Pennsylvania Municipalities Planning Code (53 P.S. §11004) and receive such additional evidence as may be required, or may refer the case to a referee.

Rule *29. *Appeals from Denial of Driver’s License or Suspension of Operating Privilege (75 Pa.C.S. §1550).*

- (a) Petitions appealing from the denial of a driver’s license or the cancellation, suspension, recall or revocation of one’s operating privilege shall have a face sheet in the form of a notice for the Court Administrator’s use in setting the hearing date.

Petitions appealing a suspension imposed pursuant to 75 Pa.C.S.A. §1547(b) (refusal to submit to chemical testing after arrest) must identify the municipality in Delaware County where petitioner’s arrest for driving under the influence of alcohol and/or controlled substance took place.

- (b) All such petitions and orders shall first be filed with the Office of Judicial Support to be time/stamped and assigned a number.
- (c) The petitioner shall promptly deliver a conformed copy of the petition to the Court Administrator to obtain a hearing date.
- (d) Requests for continuance shall be governed by the provisions of Rule *208.3(a).

Editor’s note: Adopted March 29, 1990, effective April 30, 1990; further amended October 25, 1990. Sections (a) and (c) amended November 17, 1998. Section (d) amended January 28th, 2016, effective upon publication in the UJS portal.

- (2) A complete and current rent roll, to include a list of all tenants and their annual rent, the term of each lease (including any extension or renewal options), any special provisions and a sample lease.
- (h) All parties shall exchange appraisal reports within 120 days from the date the appeal was filed.
- (i) Petitioner’s failure to comply with Sections (e), (g) or (h), in the absence of good cause, will result in the dismissal of the appeal. Respondent’s failure to comply with paragraph (h), in the absence of good cause, will result in the grant of appropriate summary relief to appellant.
- (j) The caption of any such appeal shall include, in addition to that which is otherwise required, the names and addresses of all record owners, the address of the property in question, the municipal subdivision wherein the property is located, and the tax folio number or numbers.

Editor’s note: Adopted March 29, 1990, effective April 30, 1990. Amended July 22, 1992, April 26, 1994 and February 7, 1995. Subsection (f) amended January 23, 1998.

Rule *34. *Termination of Inactive Cases.*

Annually, all cases in which the dockets of the Office of Judicial Support indicate that there has been no activity for two years or more, and where no active status certificate has been filed, shall be marked “Terminated under Pa.R.J.A. 1901.” Any case so terminated shall not be reinstated except upon application to the court and for cause shown. Prior to the termination of any case under this Rule, notice shall be given pursuant to Pa.R.J.A. 1901(c).

Rule *35. *Form of Active Status Certification.*

See Forms Index

Rule *76. *Definitions.*

Attorney of record. See the definition in Pa.R.C.P. 76.
 Party shall mean a litigant’s attorney of record or an unrepresented litigant.
 Plaintiff or Defendant shall mean a party’s attorney of record or the party where the litigant is unrepresented.

Editor's note: Amended April 6, 1993, effective June 1, 1993; further amended December 4, 1997.

Local Rule 107 ***Automation Program for
Case Management.***

The District Attorney's Office and the Office of the Public Defender have adopted an automation program for case management which will create and track subpoenas. Subpoenas which contain an electronic signature of the Director of the Office of Judicial Support and a blue ink seal shall have the same force and effect as subpoenas containing an original ink signature and pressed seal.

Editor's note: Adopted June 18, 2002, effective 30 days after publication in the *Pennsylvania Bulletin*.

Local Rule 117. ***Monetary Bail Acceptance at
Correctional Facility.***

1. Magisterial District Judges shall provide continuous coverage for issuance of search warrants pursuant to Pa. R. Crim. P. 203, arrest warrants pursuant to Pa. R. Crim. P. 513 and for the acceptance of deposits of bail.
2. Magisterial District Judges shall also provide coverage to conduct preliminary arraignments, conduct summary trials or set collateral in summary cases following arrests with a warrant issued pursuant to Pa. R. Crim. P. 430 (A), set bail whenever an out-of-county warrant of arrest is executed within the Judicial District, accept complaints and provide such other services as may be required by Pa. R. Crim. P. 117 (A) (2) (a), (b), (c) and (d).
3. In order to provide after hours coverage for the services set forth in paragraphs 1 and 2, Magisterial District Judges shall rotate evenings, weekends and holidays according to the provisions of the previous Orders of this Court establishing the Duty Groups within the Judicial District.
4. The Duty Magisterial District Judge shall provide after hours coverage in accordance with the long-standing hearing schedules set forth in the previous Orders of this Court establishing the Duty Groups within this Judicial District.
5. The Duty Magisterial District Judge shall be continuously available during his or her regular after hours coverage for the issuance of search warrants pursuant to Pa. R. Crim. P. 203, arrest warrants pursuant to Pa. R. Crim. P. 513 and to accept deposits of bail as further provided for in paragraph 8 of this Order.

provide a space three (3”) inches in height, on the top right under the docket number for use of the Office of Judicial Support in affixing the date and time of filing.

2. Attorneys of record shall indicate their identification number and their business telephone number on all papers filed with the Office of Judicial Support.

Editor’s note: Renumbered January 28, 2016. Effective upon publication on the UJS Portal.

Rule *205.2(b) *Cover Sheets.*

A cover sheet is to be completed and attached to the following:

The moving party is to check the appropriate box on the form.

1. Petitions filed pursuant to Rule 206.1(a)
2. Motions filed pursuant to Rule 208.1
3. Responses to Motions or Petitions
4. Motions for Judgment on the Pleadings pursuant to Rule 1034(a)
5. Summary Judgment Motions pursuant to Rule 1035.2 (a)
6. Family Law Petitions and Motions file pursuant to Rule 206.8

See Forms Index

7. Preliminary Objections pursuant to Rule 1028(c).

See Forms Index

EXPLANATORY COMMENT–2010

On February 5th, 2010, the Pennsylvania Supreme Court adopted Pa.R.C.P. 205.5, which requires submission Statewide of a uniform cover sheet on each new civil filing. In the interest of efficiency, it was decided that the state-mandated form replace, rather than be filed in addition to, the “Civil Cover Sheet and Entry of Appearance Form” formerly required by Delaware County Local Rule 241(a).

Editor’s note: Amended May 14, 2010, effective immediately. Renumbered and amended January 28th, 2016, effective upon publication on the UJS Portal.

**Rule 205.4. *Electronic Filing and Service of
Legal Papers. (Rescinded)***

Editor’s note: Rescinded February 13, 2007.

**Local Rule 205.4. *Electronic Filing and Service of
Legal Papers***

(a)(1) *Commencement*

- (i) On the commencement date, all parties may electronically file all “legal papers” as defined in Pa.R.C.P. No. 205.4(a)(2), with the Office of Judicial Support through Delaware County’s Electronic Filing system as more specifically provided in Pennsylvania Rule of Civil Procedure No. 205.4 and Delaware County Civil Rule 205.4,
- (ii) Ninety (90) days from the commencement date, parties shall electronically file all “legal papers” as defined in Pa.R.C.P. No. 205.4(a)(2), with the Office of Judicial Support through Delaware County’s Electronic Filing system as more specifically provided in Pennsylvania Rule of Civil Procedure No. 205.4 and Delaware County Civil Rule 205.4.

Explanatory Note: The term “legal paper” as defined in Pa.R.C.P. No. 205.4(a)(2) encompasses all pleadings and all other papers filed with the Office of Judicial Support—including exhibits and attachments—even if the legal papers are not adversarial in nature and do not require the non-filing party or parties to respond.

- (2) As used in this rule the following words shall have the following meanings:

CMS (Case Management System): A Court case management system manages the receipt, processing, storage and retrieval of data associated with a case and performs actions on the data.

Electronic Filing (E-Filing): The electronic transmission, acceptance and processing of a filing. A submission consists of data, one or more documents, and/or images. The definition of electronic filing does not apply to facsimile or e-mail.

Electronic Service (E-Service): The electronic transmission of an original document to all other electronically-registered case participants via the electronic filing system. Upon the completion of any transmission to the electronic filing system, an electronic receipt shall be issued to the sender acknowledging receipt by the electronic filing system.

EFS: Delaware County Electronic Filing System.

(b)(1) *Authorized Electronic Format of Legal Papers Electronically Filed*

All legal papers shall be filed in a portable document format (“pdf”). A legal paper presented for filing in hard copy or in a

format other than portable document format shall be converted to a portable document format and maintained by the Office of Judicial Support pursuant to Pa.R.C.P. 205.4(b)(1)

- (2) This Rule shall not apply to legal papers related to actions in Support as defined in Pa.R.C.P. 1910.1 through 1910.50 and 1930.1 through 1940.9, Custody, Partial Custody and Visitation of Minor Children under Pa.R.C.P. 1951.1, Special Relief under Pa.R.C.P. 1913.13 or Actions for Divorce or for the Annulments of Marriage under Pa.R.C.P. 1920.1; Protection from Abuse under Pa.R.C.P. 1901.3; Protection of Victims of Sexual Violence or Intimidation under Pa.R.C.P. 1951; Petition for Writ of Seizure pursuant to Pa.R.C.P. 1075; Petition to Postpone Sheriff's Sale Pa.R.C.P. 3132; Petition to Appoint a Constable. Claim of Exemption pursuant to Pa.R.C.P. 3123.1; Appeal from Denial of Right to Know Request under Pa.R.J.A. 509. This rule shall also not apply to certified zoning records which include blueprints and/or plot plans under Delaware County Local Rule 27. Motions or petitions seeking relief in emergency situations, injunctive relief or stay of proceedings shall not be filed through the EFS system but shall be taken to the Office of Judicial Support to be time-stamped, processed, and docketed and then brought by the party seeking the emergency relief or the stay of proceedings to the Court Administrator for reference to the appropriate judge.

(2) *Website. Access to the Website*

- (i) *Website.* All legal papers shall be filed electronically through Delaware County's Electronic Filing system Electronic Filing system "EFS" which shall be accessible through the County of Delaware website <http://www.co.delaware.pa.us/ojs/efile.html> or at such other website as may be designated from time to time.
- (ii) Use of the EFS shall be in accordance with the local rule and instructions contained on the website.
- (iii) *Access to the Website.* To obtain access to the Delaware County Electronic Filing System, counsel and self-represented litigant must apply for and receive a User Name and Password.
- (iv) Registered users shall be individuals, and not law firms, agencies, corporations nor other groups.
- (v) User access may be suspended to prevent fraud, to maintain security of the system and network, to prevent an

unacceptable level of congestion, or to prevent a disruption to the EFS or another user.

(d)(1) *Payment of Filing Fees under the EFS system.*

- (i) The Office of Judicial Support will accept for payment of all filing fees through PayPal.
- (ii) The Office of Judicial Support will not accept advance deposits for future filings.

(e) Reserved

(f)(1) *Filing Status Messages*

- (i) Upon receipt of the electronic document, the Office of Judicial Support shall provide the filing party with an acknowledgment, which includes the date and time the document was received by the Delaware County Electronic Filing system.
- (ii) After review of the electronic document, the Office of Judicial Support shall provide the filing party with e-mail notification, or notification on the Delaware County Electronic Filing System, that the document has been accepted for filing (“filed”) or refused and not accepted for filing.

(2) *Official Record*

- (i) When an electronic document is accepted, the document is the official record.

(3) *Signatures and Verifications*

- (i) The electronic filing of documents utilizing the issued User Name and Password as provided by this rule and Pa.R.C.P. No. 205.4, constitutes the party’s signature on electronic documents as provided by Pa.R.C.P. No. 1023.1 and, if the filing party is an attorney, constitutes a certification of authorization to file it as provided in Pa.R.C.P. No. 205.1.
- (ii) The electronic document filed by a party must include a signature block, and the name of the filer under whose User Name and Password the document is submitted. The document may be submitted with the filers scanned signature or “/s/” and the filer’s named typed in the space where the signature would otherwise appear on the document.
- (iii) If an attorney is the filing party, the Pennsylvania Supreme Court Attorney Identification number must be

included under the signature line. The correct format for an attorney signature is as follows:

/s/ Attorney name

Pa Supreme Court ID#

Attorney for (Plaintiff/Defendant) XYZ Corporation

ABC Law Firm

ADDRESS

TELEPHONE NUMBER

FAX NUMBER - (FAX)

E-MAIL ADDRESS

- (iv) An authorized electronic filer must not allow their user name and password to be used by anyone other than an agent who is authorized by the electronic filer.
- (v) Electronic filers shall notify the Office of Judicial Support's Help Desk immediately if there has been any unauthorized use of their EFS user name and password.
- (vi) The Verification required by Pa.R.C.P. Nos. 206.1 and 1024 and the signature page(s) of any document or legal paper executed by a client or other persons other than the filing party must be scanned and attached to the electronic filing in a portable document format at the time the legal paper is submitted.
- (vii) Documents requiring signatures of more than one party must be scanned and attached to the electronic filing in a portable document format at the time the legal paper is submitted.
- (viii) The original of a sworn or verified document that is electronically filed (e.g. affidavit) or is contained with an electronic filing (e.g. verification) shall be maintained by the electronic filer and made available upon direction of the court or reasonable request of the signatory or opposing party.

Explanatory Note: This subsection is designed to address issues which may arise regarding signatures on legal documents. A filer's use of the User Name and Password issued through the Delaware County Electronic Filing System is the filer's "electronic signature". However, legal documents often require verifications executed by non-filers. In addition, many legal documents require multiple signatures. Deficiencies in content and execution could be subject to preliminary objections. In order to avoid prejudicial delay, this section requires the filing party to scan such legal documents or signature pages and include them as part of the electronic filing at the time of submission. Original copies should be kept as provided for in Pa.R.C.P. No. 205.4(b)(4).

(4) *Electronic Filing Fees and Costs.*

- (i) The Office of Judicial Support shall collect an electronic filing user fee for each legal paper or exhibit filed as established by the Office of Judicial Support with the approval of the President Judge of the Delaware County Court of Common Pleas.
- (ii) In addition to such electronic filing user fee, the Office of Judicial Support is authorized to charge a fee as set forth from time to time for each page of a legal paper or exhibit which is filed in hard copy format and which must be converted by the Office of Judicial Support to a portable document format.
- (iii) Electronic filers shall alert the EFS to any payment errors within forty-five (45) days of the payment date by notifying the Office of Judicial Support's Help Desk.

(5) *Other Procedures Necessary to the Operation of a System of Electronic Filing:* authorized by Pa.R.C.P. No. 205.4(f), the following administrative procedures are adopted:

- (i) If a document is accepted, it shall be deemed to have been filed as of the date and time it was received by the Delaware County Electronic Filing System; provided, however, that if a document is submitted without the requisite fee, the document shall be deemed to have been accepted for filing as of the date payment was received. The Office of Judicial Support is authorized to refuse for filing a document submitted without the requisite payment. If the electronic document other than original process is accepted for filing, it will be electronically served as authorized by Pa.R.C.P. No. 205.4(g)(1)(ii) and service shall be effectuated as provided in Pa.R.C.P. No. 205.4(g)(2)(ii).
- (ii) *Termination Notice.* In addition to the procedures set forth in Pa.R.C.P. No. 230.2, in cases where a party is a registered user of the Delaware County Electronic Filing System, notice of proposed termination may also be electronic.
- (iii) An electronic filer is not required to file any paper copies unless specifically required by the court.

Note: In addition to the electronic paper, a Judge may request counsel or a self-represented litigant to provide a courtesy copy of a pleading(s) or other such material including but not limited to a memorandum of law, a pre-trial binder for the Court including relevant pleadings, a pre-trial memo, if any, stipulations and pre-labeled exhibits which may be useful to a Judge in preparation

for trial. The Court may also request courtesy motions, petitions and answers to such pleadings from time to time.

- (iv) An electronic filer is not required to file multiple copies of documents unless requested by the Court, or as specified elsewhere in these local rules. If documents are to be served electronically, the electronic filer is not required to provide envelopes, unless requested by the Court or as specified elsewhere in the local rules, except for those parties who are to receive the document by regular mail or other means of service as required by other rules.
- (v) Electronic filing is permitted at all times when the EFS is available. If the EFS is unavailable at the time a registered user attempts to file a document, the registered user shall make reasonable efforts to file the document as soon as the unavailability ends.
- (vi) If a registered user believes the unavailability of the EFS prevented a timely filing to the party's prejudice, the registered user may submit a motion to the court within ten (10) days of the registered user's unsuccessful attempt to file the document. The motion shall state the date and time of the first unsuccessful attempt to file the document electronically, the date(s) and time(s) of any subsequent attempts to file the document electronically, and why the delay was prejudicial.
- (vii) The filing deadline for any document filed electronically is 11:59:59PM EST/EDT.
- (viii) *Documents with Attachments.* Attachments, including exhibits, that are part of any filing, shall be filed electronically at the same time as the document.
- (ix) An attachment or exhibit that exceeds the technical standards for the EFS or is unable to be electronically filed must be filed as ordered by the court. A Notice of Exhibit Attachment shall be filed in the EFS referencing such an exhibit with specifically and stating the reason why the exhibit was not filed electronically.
- (x) 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 to the Office of Judicial Support over the counter rather than through EFS.
- (xi) Sealed or confidential documents may be submitted for electronic filing in a manner that maintains confidentiality under applicable law.

- (xii) Filings not under seal are public and parties shall comply with the Public Access policy related to case records of the Appellate and Trial Courts of the Unified Judicial System of Pennsylvania under 204 Pa. Code 213.81 and Delaware County Administrative Rule No. 17-5120.

Note: As required by Pa.R.C.P. No. 205.4(c)(1), access to the Delaware County Electronic Filing System shall be available at all times, except for required maintenance. However, legal papers can only be reviewed during normal court hours. Therefore, parties are cautioned to file required legal papers in advance of any filing deadline to enable timely correction and re-submission in the event a legal paper is not accepted or is refused for filing. The Office of Judicial Support may refuse for filing any legal paper submitted without the required filing fees as provided by 42 Pa.C.S. § 1725(c)(2)(xix), or, at the Office of Judicial Support's discretion, may authorize the filer to submit the required filing fees within a stated time period after which the Office of Judicial Support may refuse the legal paper for filing if payment is not received.

- (6) If a legal paper is refused for filing, the Office of Judicial Support shall specify the reason. Subject to the provisions of subsection Rule 205.4(e)(1)(i), a legal paper refused for filing shall be deemed as not having been filed.
- (7) Neither the Court nor the Office of Judicial Support are required to maintain a hard copy of any legal paper or exhibit, notice, or order filed or maintained electronically under this rule.
- (8) If a legal paper is electronically filed, the Delaware County Civil Electronic Filing System will automatically serve all persons who have previously submitted electronic filings in the same case, pursuant to Delaware County Civil Rule *205.4 and Pa.R.C.P. No. 205.4(g) but the filing party must serve all others as required by rules of Court. All legal papers filed in a hard-copy format must be served by the filing party as required by rules of court.

Note: A party has the responsibility of providing legal papers and other correspondence to the Delaware County Sheriff's Office for service of original process pursuant to Pa.R.C.P. 400-425. The Delaware County Electronic Filing Service or CMS program does not encompass the Delaware County Sheriff's Office.

- (9) Documents shall use the universal PDF standard and shall be no more than 25 megabytes (mb). Files that exceed this limit must be split into multiple files so that each individual file is less than 25 megabytes (mb).
- (10) Color shall be Black and White, resolution of 300 dpi. If a filer has a document that is color or greystroke, the document shall not be filed electronically but must be submitted to the Office of Judicial Support.

- (11) All pleadings must conform to Pennsylvania Rule of Civil Procedure 204.1(1) so that the size of the document be 8 1/2 inch by 11 inch paper.
- (12) Any font that is not part of the Microsoft default font list must be embedded in the PDF document
- (13) PDF properties (Title, Author, Subject, and Keywords) should be removed from the document. Documents cannot be password protected or encrypted. Documents names shall not include any special characters such / : * ? “ < >
- (g)(2) *Service by Electronic Transmission*
- (i) Service shall be made to registered users through the EFS and to all others as otherwise provided in the Pennsylvania Rules of Civil Procedure. Service by the EFS is complete upon transmission on a Saturday, a Sunday, a holiday recognized by Delaware County, or after 5:00PM EST/EDT, shall be considered complete on the next day that is not a Saturday, Sunday or recognized Delaware County holiday.
- (ii) Other than original service, the electronic filer shall not be required to serve a paper copy of the electronic filing on the opposing party if the opposing party is a registered user on the EFS and the electronic filing has been served on them through the EFS.
- (h) An AOPC Civil Court Cover Sheet pursuant to Pa.R.C.P No. 205.5 shall be required and must be scanned separately from the original pleading

Note: The following documents may be filed through the EFS system. The Office of Judicial Support, once accepted, will forward the document to Court Administration for review and processing:

- (1) Certificate of Readiness pursuant to Local Rule 241; (2) Debtor's Exemption under Local Rule 3123; (3) Application for Continuance in arbitration cases pursuant to Delaware County Local Rule 1303(f) or for a hearing related to a petition or motion (Local Rule 206.1(a)(1) and 208.3(b)(1)); (4) License Suspension Appeal (Local Rule 29); (5) Tax Assessment Appeal (Local Rule 30); (6) Board of View (Local Rule 62 (k)); and (8) Request for Extension pursuant to Local Rule 1028.

Once filed through the EFS system, the document will be processed by the Court Administrator and notice of the outcome and/or a hearing date, if any, will be sent electronically to the filing party. The party requesting a continuance shall provide advance notice to all parties in a case, state if the continuance is opposed or unopposed, and be responsible to notify all parties of the outcome of the request prior to a listed hearing or event.

Applications for Continuance in assigned cases may be filed electronically at the Court's discretion subject to the assigned judge's guidelines.

Motions or petitions seeking relief in emergency situations or stay of proceedings shall not be filed through the EFS system but shall be taken to the Office of Judicial Support to be time-stamped, processed, and docketed and

then brought by the party seeking the emergency relief or the stay of proceedings to the Court Administrator for reference to the appropriate judge.

Note: This rule is adopted as required by Pa.R.C.P. No. 239.9.

Editor's note: Adopted June 5, 2018, effective upon publication on the Pennsylvania Unified Judicial System (UJS) web portal at <http://ujportal.pacourts.us/>.

Rule 206A. ***Petitions, Rules, Answers and
Motions. (Rescinded)***

Editor's note: Rule 206A was rescinded on June 28, 2004 and adopted as Rule 206.8.

Rule 206B. ***Related to Non-Family Matters—
Motion Hearing, and Trial Divisions.
(Rescinded)***

Editor's note: Rule 206B was rescinded June 28, 2004.

Rule 206.1(a)(c). ***Petition. Definition. Form. Content.***

The following applications are defined as “petitions” and are to be governed by Rule 206.1, et seq.

The following petitions are scheduled for a hearing upon filing:

- (1) Petition for adjudication of local agency
- (2) Petition for appointment of CPA as auditor
- (3) Petition for appointment of private police officer
- (4) Petition for appointment of a receiver
- (5) Petition for approval of bond
- (6) Petition to approve increase in municipal tax levy
- (7) Petition for attachment of bank accounts
- (8) Petition for change of name pursuant to 54 Pa.C.S.A. §701 et seq.
- (9) Petition to change school district election districts
- (10) Petition to compromise, settle, or discontinue minor’s action pursuant to Pa.R.Civ.P. 2039
- (11) Petition to disapprove a private sale by the Tax Claim Bureau
- (12) Petition to evict
- (13) Petition for expunction
- (14) Petition to fix fair market value of real property sold pursuant to Pa.R.Civ.P. 3282
- (15) Petition to issue certificate of title

- (16) Petition for judicial review of revocation of firearms license
- (17) Petition to levy taxes exceeding 30 mills for general municipal purposes
- (18) Petition nunc pro tunc—license suspension appeal
- (19) Petition for objection and exception to upset tax sale
- (20) Petition for private detective license
- (21) Petition for release of property from levy pursuant to Pa.R.Civ.P. 3119
- (22) Petition for return of firearms
- (23) Petition for sale of school district real estate
- (24) Petition to sell real estate at private sale
- (25) Petition to set aside tax sale of real estate
- (26) Petition to set tax millage for police benefits
- (27) Petition to stay tax sale
- (28) Petition to strike off nomination petition
- (29) Petition for supplemental relief in aid of execution pursuant to Pa.R.Civ.P. 3118
- (30) Petition to transfer liquor license
- (31) Petition for vehicle registration suspension

The following petitions are referred directly to a Judge.

- (32) Petition to direct the Sheriff to relist Sheriff's sale
- (33) Petition for emergency relief—stay all proceedings
- (34) Petition for emergency relief—stay public sale of real property
- (35) Petition for emergency relief—set aside Sheriff's sale
- (36) Petition for ex parte writ of seizure
- (37) Petition for liquor license appeal
- (38) Petition nunc pro tunc—liquor license appeal
- (39) Petition to postpone Sheriff's sale
- (40) Petition to proceed in forma pauperis
- (41) Petition to set aside Sheriff's sale
- (42) Petition to stay Sheriff's sale
- (43) Petition to stay suspension
- (44) Petition for zoning hearing—remand to Hearing Board

The following petitions require an answer within twenty (20) days.

- (45) Petition to amend answer
- (46) Petition to amend caption
- (47) Petition to amend complaint
- (48) Petition to amend new matter
- (49) Petition to appoint arbitrator
- (50) Petition to appoint Board of View pursuant to 56 P.S. § 1-504
- (51) Petition to approve settlement of wrongful death and survival action
- (52) Petition to approve disbursement of funds
- (53) Petition to approve settlement
- (54) Petition for change of venue
- (55) Petition to confirm arbitration award
- (56) Petition for confirmation of the sale of real property
- (57) Petition for contempt
- (58) Petition for counsel fees
- (59) Petition for counsel fees and costs
- (60) Petition to disburse proceeds of escrow fund
- (61) Petition to disqualify attorney from representing client
- (62) Petition to disqualify the Board of Judges of Delaware County
- (63) Petition to dissolve or terminate supersedeas
- (64) Petition to enforce settlement
- (65) Petition for interpleader pursuant to Pa.R.Civ.P. 2302
- (66) Petition to intervene pursuant to Pa.R.Civ.P. 2328
- (67) Petition to issue order of possession
- (68) Petition to issue subpoena
- (69) Petition to join additional defendant
- (70) Petition for leave to join third party
- (71) Petition to mark judgment satisfied
- (72) Petition to merge judgments
- (73) Petition nunc pro tunc—appeal from district justice judgment
- (74) Petition nunc pro tunc—join additional defendant
- (75) Petition to open confessed judgment

- (76) Petition to open judgment of non pros
- (77) Petition to open order to settle, discontinue and end
- (78) Petition to open safe deposit box
- (79) Petition to open sealed record
- (80) Petition to open and/or strike judgment
- (81) Petition to pay judgment in installments
- (82) Petition to quash appeal and vacate supersedeas
- (83) Petition to quash writ to join additional defendant
- (84) Petition for reassessment of damages
- (85) Petition to reduce order to judgment
- (86) Petition to reinstate appeal
- (87) Petition to remand to arbitration modify judgment
- (88) Petition to remand for clarification of arbitrator's award
- (89) Petition to remove satisfaction and reinstate judgment
- (90) Petition to return writ of execution
- (91) Petition for settlement of survival action
- (92) Petition for stay of execution
- (93) Petition to stay mortgage foreclosure
- (94) Petition to strike appeal
- (95) Petition to strike lis pendens
- (96) Petition to strike mechanic's lien
- (97) Petition to strike non pros
- (98) Petition to strike and/or set aside garnishment
- (99) Petition to strike writ of certiorari
- (100) Petition to substitute party
- (101) Petition to take depositions
- (102) Petition to take depositions for preparation of pleadings
- (103) Petition to transfer to major case status
- (104) Petition to vacate arbitration award
- (105) Petition to vacate judgment
- (106) Petition to vacate, set aside and/or modify arbitrator's award
- (107) Petition to vacate and strike off order to settle, discontinue and end
- (108) Petition to withdraw appearance
- (109) Petition for writ of habeas corpus

- (a) Petitions filed pursuant to Rule 206.1 shall be processed as follows:
- (1) *Cases not yet assigned to a judge*
- (a) The originals of all petitions shall be filed with the Office of Judicial Support.
- (b) Service shall be contemporaneously made by the moving party in conformity with Pa.R.C.P. 440, or in the case of petitions that constitute initial process, in conformity with the Pennsylvania rules of Civil Procedure governing the manner of service of original process (see Pa.R.C.P. 400ff).
- (c) Each petition shall be accompanied by the following:
- i. A cover sheet pursuant to Rule 205.2(b) clearly indicating the filing date and advising that an answer to the petition must be filed within twenty (20) days from that date.
- ii. A certification that service in conformity with Pa.R.C.P. 440 or, in the case of original process, in conformity with the Pennsylvania Rules of Civil Procedure governing the service of original process is being contemporaneously made.
- iii. A form of proposed order fairly encompassing the relief requested.
- (d) Each answer to petitions filed pursuant to this Rule shall be accompanied by the following:
- i. A cover sheet pursuant to Rule 205.2(b) clearly indicating that they are being filed pursuant to Rule 206.1; and
- ii. A form or proposed Order fairly encompassing the relief requested.
- (i) On the 21st day after filing the Office of Judicial Support shall send the record papers to the Court Administrator for reference by the Court Administrator to the appropriate judge.
- (ii) The moving party shall promptly advise the Court Administrator in writing if a matter has been resolved or withdrawn.
- (iii) Requests for an extension of the 20-day period in which to respond to a motion must be made in writing to the Court Administrator. The request shall indicate whether or not it is

opposed by all other parties. No agreement entered into by the parties to extend the 20-day period shall be honored by the court without written notice to and the consent of the Court Administrator.

(2) *Cases assigned to a judge*

- (i) All applications that would otherwise be the subject of a petition will be processed by the assigned judge and should be directed to his or her chambers. The moving party shall contemporaneously notify all parties affected by the application.
- (ii) The form of all such applications and the time in which to respond thereto shall be determined by the judge on an ad hoc basis as circumstances and the exercise of his or her sound discretion shall warrant.
- (iii) Where the application takes the form of a formal petition, the original shall be filed with the Office of Judicial Support. The face sheet shall clearly indicate that a copy of the motion or petition has contemporaneously been submitted to the assigned judge, who shall be identified on the notice.
- (iv) The original of a formal response to a petition shall also be filed with the Office of Judicial Support, and a copy shall be contemporaneously submitted to the assigned judge.

(3) *Emergency Matters or Stays of Proceedings in Non-Family Matters*

- (i) Petitions seeking relief in emergency situations or stay of proceedings shall first be taken to the Office of Judicial Support to be time-stamped and docketed and then immediately brought by the party seeking the emergency relief or the stay of proceedings to the Court Administrator for reference to the appropriate judge.
- (ii) After the request for emergency relief or stay of proceedings has been either granted or denied by the court, the motion shall be returned to the Office of Judicial Support for filing of the Order.
- (iii) Hearing dates, where required, shall be set by the judge to whom the matter has been referred, or, where that judge will not also be the hearing judge, by the Court Administrator.
- (iv) The moving party shall make a good faith effort to give all parties affected by the application as much advance notice as reasonably possible of the date and time he/she intends to present his/her application and shall attach to the application

a certification of the good faith effort that has been made. This certification shall provide the specific details of the moving party's efforts to comply with the advance notice requirement of this section, including, but not limited to, the method(s) by which notice was sought to be given, the date(s) and time(s) when notice was sought to be given, the address(es) and/or phone number(s) and/or fax number(s) at which notice was sought to be given and the identity(ies) of the party(ies) to whom notice was sought to be given. When the court fixes a hearing date following the submission of an application under this Rule, a second certification shall be filed by the moving party providing similar specific information setting forth the efforts that have been made to give to all affected parties as much notice as possible of the date, time and place set by the court for the hearing.

- (v) Except in emergency situations, no stay of proceedings shall be granted without actual prior notice to all parties affected thereby.

Editor's note: Adopted June 28, 2004.

Rule 206.4(c) ***Rule to Show Cause. Alternative Procedures.***

Rules to show cause shall issue as of course with the filing of any Petition or Motion requiring a response in family and non-family matters.

Explanatory Comment: In non-family matters governed by Rule 206.1(a), the notice requirement serves the identical purpose of a rule to show cause, and no paper formally designated "Rule to Show Cause" shall be necessary.

In family matters, governed by 206.8, present practice shall continue with rules issuing as of course pursuant to Rule 206.4(c)

Editor's note: Former Rule 206.6 was rescinded and renumbered 206.4(c) on June 28, 2004.

Rule 206.6 ***Rules to Show Cause. (Rescinded)***

Editor's note: Rescinded June 28, 2004 and renumbered Rule 206.4(c).

Rule 206.8. ***Petitions. Rules. Answers. Motions in Family Matters***

I. *Cases not yet Assigned to a Judge*

- (a) The original of all family law motions or petitions, including divorce, custody, or equitable distribution shall be filed in the Office of Judicial Support, which shall docket the pleading

and forward to the Court Administrator by either the moving party or the Office of Judicial Support to obtain a hearing or conference date. All matters involving support are to be filed directly with the Domestic Relations Office pursuant to Pa.R.C.P. 1910.4. All family law motions or petitions are initially listed for a hearing and/or conference.

- (b) Service shall be contemporaneously be made by the moving party in conformity with Pa.R.C.P. 440, or in the case of motions or petitions that constitute initial process, in conformity with the Pennsylvania Rules of Civil Procedure governing the matter of service of original process. (See Pa.R.C.P. 400 ff.)
- (c) All motions or petitions shall be accompanied by the following:
 - i. A cover sheet, pursuant to Local Rule 205.2(b), plainly appearing on the face thereof indicating the filing date and the nature of the matter listed.
 - ii. A proposed order page encompassing the relief requested.
 - iii. A certification that service of the hearing/conference date in conformity with Pa.R.C.P. 440 or, in the case of original process, in conformity with the Pennsylvania Rules of Civil Procedure governing the service of original process is being contemporaneously made.

If one of the above items is not included in the motion or petition, the Court Administrator shall send notice to the moving party to refile the original motion or petition.
- (d) Answers to a motion or petition filed prior to the hearing pursuant to this Rule shall be accompanied by the following:
 - i. A cover sheet, pursuant to Rule 205.2(b), clearly indicating that they are being filed pursuant to Rule 206.8 and
 - ii. A proposed order fairly encompassing the relief requested.
- (e) Upon receipt of the motion or petition, the Court Administrator shall promptly schedule a hearing. The moving party shall promptly notify all parties affected of the hearing date. In the event that the moving party does not appear to file the motion or petition and obtain a hearing date, the moving party

shall file an original and include a copy of the motion or petition with a self addressed stamped envelope with sufficient postage for return of the hearing date, which upon receipt by the moving party shall notify all affected parties of the hearing date.

- (f) The moving party shall file a certificate setting forth that notice was given to all affected parties of the date, time and place set by the court for the hearing/conference.
- (g) Matters that are uncontested at the time of filing shall be so certified by the moving party and shall follow the procedure set forth in rule 208.2(d). The Office of Judicial Support shall promptly refer them to the Court Administrator.
- (h) Where a matter is to be withdrawn, a Praecipe to Withdraw Motion or Petition must be filed with the Office of Judicial Support, which shall promptly forward it to the Court Administrator. If the case has been referred to a Judge, the Court Administrator shall promptly forward the Praecipe to the judge.
 - (i) After a hearing date has been assigned, requests for a continuance must be made on a continuance application form (available in the Court Administrator's Office) and submitted along with a stamped envelope preaddressed to the party requesting the continuance. Requests for a continuance may be referred to the appropriate Judge for review. After review of the continuance, the Court Administrator shall forward the result of the request of the continuance to the party who applied for the continuance. The requesting party must notify all parties affected of the result of the continuance request and the new hearing date, if applicable.

II. *Emergency Matters or Stays or Proceedings in Cases not yet Assigned to a Judge*

- (a) Motions or petitions seeking relief in emergency situations or stay of proceedings shall be brought first to the Office of Judicial Support to be docketed and time-stamped and then immediately brought by the party seeking the emergency relief or the stay of proceedings to the Court Administrator for reference to the appropriate Judge. The motion or petition shall be accompanied by the items required in 206.8(1)(c).
- (b) The motion or petition shall be accompanied by a certification that the moving party has made a good faith effort to give

all parties affected by the application as much advance notice as reasonably possible of the date and time that the application will be presented to the Court. This certification shall provide the specific details of the moving party's efforts to comply with the advance notice requirement of this section including, but not limited to, the method(s) by which notice was sought to be given, the address(s) and/or phone number(s) and/or fax number(s) at which notice was sought to be given, and the identity(s) of the party(s) to whom notice was sought to be given.

- (c) Hearing dates, where required, shall be set by the Judge to whom the matter has been referred by the Court Administrator or, where that Judge will not also be the hearing Judge, by the Court administrator. The moving party shall promptly notify all parties affected of the hearing date and shall file a certification providing specific information setting forth the efforts that have been made to give to all affected parties as much notice as possible of the date, time and place set by the Court for the hearing. Such specific information includes, but not limited to, the method(s) by which notice was sought to be given, the address(s) and/or phone number(s) and/or fax numbers(s) at which notice was sought to be given and the identity(s) of the party(s) to whom notice was sought to be given.
- (d) After the Court has decided the request for emergency relief or stay of proceedings, the motion or petition shall be returned to the Court Administrator who shall then forward it to the Office of Judicial Support for filing of the Order.
- (e) Except in emergency situations, no stay of proceedings shall be granted without actual prior notice to all parties affected thereby.

III. *Cases Assigned to a Judge*

- (a) All applications, to include emergency matters, that would otherwise be subject of a motion or petition will be processed by the assigned Judge and should be directed to his/her chambers. The moving party shall contemporaneously notify all parties affected by his or her application.
- (b) The form of all such applications and the time in which to respond thereto shall be determined by the Judge on an ad hoc basis as circumstances and the exercise of the Judge's sound discretion shall warrant.

All responses to Motions filed under Rule 208.1 shall be accompanied by a cover sheet pursuant to Local Rule 205.2(b) and shall include a form of proposed Order.

Editor's note: Adopted June 29, 2004.

Rule 208.2(d). *Uncontested Motions. Certifications.*

If counsel for the moving party determines that a motion is uncontested by all parties involved in the case, counsel shall file a certification that the motion is uncontested. The moving party must complete the cover sheet pursuant to 205.2 and check the appropriate box, and include the certification with the motion.

Editor's note: Adopted June 28, 2004.

Rule 208.2(e). *Motion. Certification.*

(a) All motions relating to discovery shall include a certificate signed by counsel for the moving party that counsel for that party has conferred or attempted to confer with all interested parties in order to resolve the matter without Court action, and shall set forth the nature of the efforts made to resolve the matter. Failure to comply with the foregoing shall result in the refusal of the Court to hear the motion.

- (1) All motions relating to discovery shall include a certificate signed by counsel for the moving party that counsel for that party has conferred or attempted to confer with all interested parties in order to resolve the matter without Court action, and shall set forth the nature of the efforts made to resolve the matter. Failure to comply with the foregoing shall result in the refusal of the Court to hear the motion.
- (2) The moving party shall attach a Certification of Good Faith, substantially in the following form to his or her motion.

See Forms Index

Editor's note: Adopted June 28, 2004; amended August 10, 2004.

Rule 208.3(a) *Simplified Procedure.*

The following “Motions” may be submitted for consideration by the Court without written responses or briefs.

1. Motion to compel discovery in aid of execution
2. Motion to break and enter

3. Motion requiring a supersedeas appeal board
4. Motion for writ of seizure
5. Motion for return of personal property
6. Motion for reconsideration
7. Motion for peremptory judgment

The foregoing motions, after filing with the Office of Judicial Support shall be presented to the Court Administrator's Office, which shall promptly deliver the motion to the appropriate Judge or schedule the case for a hearing before the Court. The moving party shall include a cover sheet pursuant to Rule 205.2(b) and shall promptly notify all parties affected of the hearing date, if so advised by the Court.

If a hearing date has been assigned, requests for a continuance shall be made on a fully completed continuance application form, available in the Court Administrator's Office and then submitted to the Court Administrator. Stamped envelopes, pre-addressed to all parties in interest, shall accompany the continuance application form. Requests for continuance received by the Court Administrator within one (1) week of the hearing date may be referred to the appropriate Judge for review.

Editor's note: Adopted June 28, 2004.

Rule 208.3(b) *Alternative Procedures.*

(a) Motions filed pursuant to Rule 208.1 and 208.2 shall be processed as follows:

- (1) *In cases that are not assigned to a judge,*
 - (i) on the 21st day after filing the Office of Judicial Support shall send the record papers to the Court Administrator for reference by the Court Administrator to the appropriate judge.
 - (ii) The moving party shall promptly advise the Court Administrator in writing if a matter has been resolved or withdrawn.
 - (iii) Requests for an extension of the 20-day period in which to respond to a motion must be made in writing to the Court Administrator. The request shall indicate whether or not it is opposed by all other parties. No agreement entered into by the parties to extend the 20-day period shall be honored by the court without written notice to and the consent of the Court Administrator.

- (2) *In cases that are assigned to a judge,*

- (i) all applications that would otherwise be the subject of a motion or petition will be processed by the assigned judge and should be directed to his or her chambers. The moving party shall contemporaneously notify all parties affected by the application.
 - (ii) The form of all such applications and the time in which to respond thereto shall be determined by the judge on an ad hoc basis as circumstances and the exercise of his or her sound discretion shall warrant.
 - (iii) Where the application takes the form of a formal motion or petition, the original shall be filed with the Office of Judicial Support. The face sheet shall clearly indicate that a copy of the motion or petition has contemporaneously been submitted to the assigned judge, who shall be identified on the notice.
 - (iv) The original of a formal response to a motion or petition shall also be filed with the Office of Judicial Support, and a copy shall be contemporaneously submitted to the assigned judge.
- (3) *Emergency Matters or Stays of Proceedings in Non-Family Matters.*
- (i) Motions seeking relief in emergency situations or stay of proceedings shall first be taken to the Office of Judicial Support to be time-stamped and docketed and then immediately brought by the party seeking the emergency relief or the stay of proceedings to the Court Administrator for reference to the appropriate judge.
 - (ii) After the request for emergency relief or stay of proceedings has been either granted or denied by the court, the motion shall be returned to the Office of Judicial Support for filing.
 - (iii) Hearing dates, where required, shall be set by the judge to whom the matter has been referred, or, where that judge will not also be the hearing judge, by the Court Administrator.
 - (iv) The moving party shall make a good faith effort to give all parties affected by the application as much advance notice as reasonably possible of the date and time he/she intends to present his/her application and shall attach to the application a certification of the good faith effort that

has been made. This certification shall provide the specific details of the moving party's efforts to comply with the advance notice requirement of this section to include, but not limited to, the method(s) by which notice was sought to be given, the date(s) and time(s) when notice was sought to be given, the address(es) and/or phone number(s) and/or fax number(s) at which notice was sought to be given and the identity(ies) of the party(ies) to whom notice was sought to be given. When the court fixes a hearing date following the submission of an application under this Rule, a second certification shall be filed by the moving party providing similar specific information setting forth the efforts that have been made to give to all affected parties as much notice as possible of the date, time and place set by the court for the hearing.

- (v) Except in emergency situations, no stay of proceedings shall be granted without actual prior notice to all parties affected thereby.

Editor's note: Adopted June 28, 2004.

Rule *208.3(c) *Return of Weapons and Ammunition.*

The Sheriff of Delaware County, police department or other law enforcement agency, which maintains possession, control or custody of the firearms, other weapons or ammunition seized from a Defendant or owner pursuant to the provisions of the Protection From Abuse Act (23 Pa.C.S.A. § 6101 et seq.), shall, upon receipt of an Order of Court having jurisdiction, which dismisses a temporary or final Protection From Abuse Order and which has been certified by the Director of the Delaware County Office of Judicial Support, return to the Defendant or owner, such firearms, other weapons or ammunition seized, provided that all of the following conditions are satisfied:

1. The Defendant or the owner provides reasonable proof of ownership or of rightful possession of the firearms, other weapons or ammunitions seized;
2. The firearms, other weapons or ammunition seized are not evidence of a crime;
3. The Defendant or owner is not otherwise prohibited by applicable Federal or State law from taking possession of the firearms, other weapons or ammunition seized,

