

# Bedford County Local Rules

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## RULES OF CIVIL PROCEDURE

### Rule 206.4(c). Issuance of Rule to Show Cause

(1) The procedure of Pa.R.C.P. 206.6 is adopted and a rule shall issue as a matter of course pursuant to that Rule in all matters involving petitions as defined by the Pennsylvania Rules of Civil Procedure.

(2) All petitions and rules shall be filed with the Prothonotary's Office, which will then forward the petition and rule to the Court Administrator's Office. The Court Administrator will present the petition to the Scheduling Judge for disposition. The

Scheduling Judge will then issue a rule in accordance with the requirements of Pa.R.C.P. No. 206.6. The Prothonotary's Office will provide notification of the issuance of the rule.

(3) A request for stay of execution pending disposition of a petition to open a default judgment shall be set forth in the petition and rule. The Scheduling Judge will determine whether to issue a stay, and whether a hearing is necessary on such request.

(Adopted February 1, 2005, effective February 17, 2005)

### **Rule 208.3(a). Motions Procedure**

(1) All motions as defined by the Pennsylvania Rules of Civil Procedure shall be in writing and shall include a scheduling order as well as a proposed order specifying the relief sought by the moving party.

(2) All motions shall be filed in the Prothonotary's Office, which will then forward the motion to the Court Administrator's Office. The Court Administrator will present the motion to the Scheduling Judge for scheduling. The Scheduling Judge will issue an Order setting a date for argument. Counsel or the moving party, if pro se, shall provide notice to all opposing counsel of record and pro se parties.

(3) Emergency motions shall be governed by the procedure set forth above. It is the duty of the moving party to bring to the attention of the Court Administrator's Office the emergency nature of the motion.

(Adopted February 1, 2005, effective February 17, 2005)

### **Rule 208.3(b). Motions, Briefs and Responses**

The Scheduling Judge in a motion under Local Rule 208.3(a) shall in the scheduling order set forth any requirement with respect to briefs and the filing of responses.

(Adopted February 1, 2005, effective February 17, 2005)

### **Rule 216. Continuances**

Except as hereinafter set forth, all motions requesting the continuance of any matter pending in the Court of Common Pleas of Bedford County shall be in writing setting forth the reason for the continuance and whether the opposing party or parties consent to the request. All such continuance motions shall be presented to

the Court Administrator who shall present them to the judge hearing the case for disposition.

No request for continuance presented to the Court Administrator less than 48 hours before the time scheduled for the hearing of the matter in question will be granted, unless for good cause shown. Except for extraordinary circumstances, continuances will not be granted because of previously scheduled depositions, district justice hearings, or other like matters. In the event the request for continuance concerns a conflict with a matter scheduled in another court of common pleas, the request shall state which matter was scheduled first. Motions for continuance will be granted when a conflict arises with a state appellate or federal court.

(Adopted April 4, 2000, effective 30 days after publication in the *Pennsylvania Bulletin*. Amended May 19, 2008, 30 days after publication in the *Pennsylvania Bulletin*.)

#### **Rule 400.1. Service of Process**

With respect to all actions filed in Bedford County, Pennsylvania, original process be served within the Commonwealth:

(i) by the Sheriff or a competent adult in the actions in equity, partition, prevent waste and

(ii) by the Sheriff in all other actions.

(Adopted Aug. 30, 1999, effective 30 days after the date of publication in the *Pennsylvania Bulletin*.)

#### **Rule 1028(c). Preliminary Objections**

All preliminary objections shall be filed in the Prothonotary's Office. The Prothonotary's Office shall place the objections on the Argument Court list for the next regularly scheduled Argument Court day as set forth on the annual court calendar. The Prothonotary's Office will notify all counsel of record and/or unrepresented parties of the scheduling. Briefs shall be filed no later than seven (7) days prior to the date of argument. In the event any or all parties wish to submit the matter on briefs, without oral argument, the request shall be communicated to the Court Administrator in writing.

(Adopted February 1, 2005, effective February 17, 2005)

#### **Rule 1034(a). Motions for Judgment on the Pleadings**

The procedure for Motions for Judgment on the Pleadings shall be the same as that for Preliminary Objections, except that the procedure may be modified to allow for earlier disposition if the circumstances so require.

(Adopted February 1, 2005, effective February 17, 2005)

### **Rule 1035.2(a). Motions for Summary Judgment**

The procedure for Motions for Summary Judgment shall be the same as that for Preliminary Objections, except that the procedure may be modified to allow for earlier disposition if the circumstances so require.

(Adopted February 1, 2005, effective February 17, 2005)

## **COMPULSORY ARBITRATION**

### **Rule 1301. Scope**

1. All cases which are at issue, where the amount in controversy is \$25,000.00 or less, exclusive of interest and costs, except those issues involving title to real estate, equity actions, actions upon penal statutes, and other actions which do not involve the recovery of money damages only shall be submitted to and heard and decided by a board of arbitrators which shall be composed of three (3) members of the Bar of the 57<sup>th</sup> Judicial District. The amount in controversy shall be determined solely from the pleadings or by an agreement of the parties.

2. Cases which are not at issue and whether or not suit has been filed may be placed on the arbitration list by agreement of reference in writing signed by counsel for all parties in the case. Said agreement shall define the issues 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 reference shall take the place of pleadings and shall be filed of record in the Office of the Prothonotary and shall be assigned a number.

(Adopted Dec. 15, 1988. Amended April 4, 2000, effective 30 days after publication in the *Pennsylvania Bulletin*.)

### **Rule 1302. List of Arbitrators; Appointment of Board; Compensation**

1. The Prothonotary of Bedford County shall maintain a list of available arbitrators in accordance with the applicable provisions of the Rules of Civil Procedure.

2. The Prothonotary of Bedford County shall make all appointments of arbitrators in cases being submitted to compulsory arbitration, subject to the applicable provisions of the Rules of Civil Procedure.

3. The chairman of the board of arbitration shall be paid the sum of \$200.00 for a hearing lasting one-half (1/2) day. Each other member shall be paid the sum of \$150.00 for a hearing lasting one-half (1/2) day. In the event a hearing

lasts a full day, the chairman shall be paid \$325.00 and each member shall be paid the sum of \$250.00. In the event the matter is settled and no hearing is held, the chairman only shall be paid the sum of \$75.00 for work performed in preparation for the hearing. Payment shall be made by the County of Bedford.

(Adopted Dec. 15, 1988. Amended April 4, 2000, effective 30 days after publication in the *Pennsylvania Bulletin*; Jan. 4, 2006, effective 30 days after publication in the *Pennsylvania Bulletin*.)

**Rule 1303. Hearing; Notice**

1. The person designated as the chairman of a board of arbitration shall fix the date, time and place of the hearing and shall provide notice of the hearing in accordance with the applicable provisions of the Rules of Civil Procedure.

(Adopted Dec. 15, 1988.)

**Rule 3116. [Untitled]**

The solicitor of the Sheriff's Office of Bedford County or in lieu thereof an attorney duly admitted to practice in the Commonwealth of Pennsylvania and engaged in the practice of law in Bedford County, Pennsylvania, as the Sheriff may from time to time designate are hereby designated as "proper officers" pursuant to Rule 3136(c) to conduct an examination of records pertaining to the Defendant(s) in the Prothonotary's office, the Recorder of Deeds' office and the Tax Assessment office and to certify to the Sheriff the liens upon the real estate of the Defendant(s) within the scope of Rule 3136 of Pennsylvania Rules of Civil Procedure.

(Adopted August 26, 1992.)

**RULES OF CRIMINAL PROCEDURE**

**Rule 571. Arraignment**

Arraignment in court cases as defined in Rule 103 of the Pennsylvania Rules of Criminal Procedure shall occur only on the dates and at the times appearing on the annual court calendar. Otherwise, arraignment shall proceed as set forth in Rule 571 of the Pennsylvania Rules of Criminal Procedure. This rule is adopted only for the purpose of establishing the times at which arraignment shall occur in the 57<sup>th</sup> Judicial District.

(Adopted April 21, 2006, effective 30 days after publication in the *Pennsylvania Bulletin*.)

**Rule 4006. Types of Bail**

1. Provided a bond in the form required pursuant to Rule 5 of the Pennsylvania Rules of Criminal Procedure is executed, one of the types of bail to be

accepted shall be percentage cash bail in the amount of ten (10%) percent of the amount of bail set, the same to be deposited with the Clerk of Courts.

2. To the extent applicable, percentage cash bail shall be governed by the relevant provisions of the Pennsylvania Rules of Criminal Procedure.

3. Poundage may be assessed by the Clerk of Court in accordance with the applicable fee schedule.

(Adopted Nov. 23, 1992)

## **RULES OF JUDICIAL ADMINISTRATION**

### **Rule 1901. Termination of Inactive Cases**

(A) The Prothonotary shall list for general call at the first civil argument court held after September 1 of each year all civil matters in which no steps or proceedings have been taken for two 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. No. 1901(c). If no action is taken or no written objection is docketed in such a matter prior to the commencement of the general call, the prothonotary shall strike the matter from the list and enter an order as of course dismissing the matter with prejudice for failure to prosecute, under the provisions of this rule. If no good cause for continuing a matter is shown at the general call, an order shall be entered forthwith by the court for dismissal.

(B) The clerk of court shall list at the first criminal argument court held after September 1 of each year all criminal proceedings in which no steps or proceedings have been taken for two years or more prior thereto and shall give notice thereof to the district attorney, and private prosecutor and the defendant, as provided by Pa.R.J.A. No. 1901(c). If no good cause for continuing a proceeding is shown at the general call, an order for dismissal shall be entered forthwith by the court.

(Adopted Sept. 17, 1998.)

## **ORPHANS' COURT RULES**

### **Rule 6. Accounts and Distribution**

All accounts and proposed distributions of executors and administrators shall be filed with the Register of Wills who shall mark the same filed, make notations of the time of filing and transmit them with duplicates thereof made by photostat, or other mechanical process, to the Orphans' Court for audit and confirmation.

The Clerk of said court shall record the same by binding the duplicates into volumes properly marked and indexed, and shall file the same with other papers pertaining to the respective estates.

The Clerk shall give notice by advertisement that the same will be presented to the Court for audit, confirmations and approval on Monday of the first week of any term or on any other date fixed by the Court by special order.

(Amended Feb. 19, 1969.)

**Rule 15. [Untitled]**

On the appointment of an auditor, it shall be the duty of the proper officer to forthwith make out and deliver to him a certificate thereof, and the auditor shall at once assign a time and place for a hearing, and give notice thereof by advertisement published in one newspaper in the County of Bedford and in the *Bedford County Legal Journal* for three successive weeks prior to the date of meeting; provided that if the balance for distribution is less than \$1,000.00 the advertisement shall be published in only one newspaper. If the auditor's notice shall not appear within twenty days after the delivery to him of his commission, his appointment may be vacated.

(Amended May 18, 1967.)