

**AMENDED LOCAL RULES OF COURT FOR INDIANA COUNTY (Effective 1/2/95)**

The attached eight (8) pages contain Amended Local Rules of Civil Procedure No. L-51, L-52, L-76, L-101, L-200, L-205.2, L-210, L-211, L-212, L-216, L-220.1, L-234.1, L-601, L-1021, L-1301, L-1028, L-4007.1 and L-4007.3; Forms LF.1, LF.2, LF.3, LF.4, LF.5 and LF.6. These pages also contain Local Rules of Civil Procedure No. L-1915.1 and L-1915.2.

**INDIANA COUNTY**

**Local Rules of Civil Procedure Nos. L-51, L-52, L-76, L-101, L-200, L-205.2, L-210, L-211, L-212, L-216, L-220.1, L-234.1, L-601, L-1021, L-1301, L-1028, L-4007.1 and L-4007.3; Forms LF.1, LF.2, LF.3, LF.4, LF.5 and LF.6; No. 188 Misc. 1994**

**Order**

*And Now*, this 9th day of November, 1994, it is hereby ordered and directed that the following Amended Local Rules of Civil Procedure be, and they are hereby adopted and shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin* and shall apply to all civil proceedings pending at that time.

It is hereby ordered and directed that the Prothonotary of Indiana County in accordance with Pa.R.C.P. No. 239 file seven (7) certified copies of this Rule with the Administrative Office of Pennsylvania Courts, furnish two (2) certified copies to the Legislative Reference Bureau for Publication in the *Pennsylvania Bulletin* and file one (1) certified copy with the Civil Procedural Rules Committee.

It is further ordered that this Local Rule shall be kept continuously available for public inspection and copying in the Office of the Prothonotary of Indiana County. Upon request and payment of reasonable costs of reproduction and mailing, the Prothonotary of Indiana

County shall furnish to any person a copy of any Local

Rule.

*By the Court:*

W. PARKER RUDDOCK,  
*President Judge*

**L-Rule 51. Title and Citation.**

These rules shall be known as Local Rules of the Court of Common Pleas of Indiana County and may be cited as "Local Civil Rule \_\_\_\_\_".

**L-Rule 52. Effective Date.**

A local rule or an amendment to a rule shall be effective upon the date of publication in the *Pennsylvania Bulletin* or such effective date as may be fixed by the Court, whichever is later. Unless otherwise specified by the Court, a local rule or an amendment to a rule shall apply to actions pending on the effective date, except for those cases already on a call or trial list.

**L-Rule 76. Definitions.**

All definitions set forth Pa.R.C.P. No. 76, are incorporated by reference verbatim into this Local Rule. In addition:

"Deposition for use at Trial", any non-party deposition which a party is permitted to offer at trial in lieu of live testimony pursuant to statute or general rule.

"Brief" as used in these Local Rules shall mean a short written memorandum setting forth the pertinent facts and legal authorities in support of the position being taken on issues before the court for adjudication.

**L-Rule 101. Interpretation.**

In the construction of any Local Rule, the principles set forth in Pa.R.C.P. No. 101 *et seq.* Shall be observed, unless the application of such principles would result in a construction contrary to law or statute or result in manifest injustice.

**L-Rule 200. Ex Parte Orders.**

No proposed *ex parte* order shall be filed with the court unless the applicant's counsel certifies in writing the efforts made to notify opposing counsel of the submission of the *ex parte* order, and if opposing counsel has not been notified, giving reasons supporting the claim that further notice shall not be required. No proposed *ex parte* order shall be submitted to the court for signature or other action unless it clearly appears from the specific facts contained in the affidavit or the verified motion or complaint that immediate, irreparable injury, loss or damage to the applicant will result before the adverse party or his attorney can be heard.

**L-Rule 205.2. Filing Legal Papers With the Prothonotary; Court Orders.**

a) Any documents not original process filed with the Prothonotary shall include a Certificate of Service setting forth the date, manner, and person served with a conformed or unconfirmed copy of the document.

b) Any document requiring a Court Order shall first be submitted to the Prothonotary for time-stamping. An original and one copy of a proposed order must be provided by the filing party. The Court Administrator will accept proposed orders of court only from the Prothonotary.

**L-Rule 210. Briefs.**

In all contested matters submitted for argument, the moving party shall submit a Brief fifteen (15) days before argument is scheduled, and any responding parties shall file Briefs within five (5) days of the scheduled argument. The court may impose appropriate sanctions for violation of this Local Rule, including, but not limited to, summary dismissal of the moving party's pleading or refusal to hear argument.

**L-Rule 211. Motions.**

- a) All motions shall first be filed with the Prothonotary.
- b) Contested motions not requiring an evidentiary hearing shall be scheduled for oral argument by praecipe of any party filed with the Prothonotary requesting that the matter be placed on the next available argument list. Oral arguments shall be set at such time as may be fixed by the Court.

c) Uncontested motions shall have the written consent of all interested parties attached.

d) *Ex parte* motions shall follow the procedure outlined in Local Rule 200.

e) Any contested motion requiring an evidentiary hearing shall be scheduled by the Court Administrator at the request of a party.

**L-Rule 212. Pretrial Conference.**

a) The initial trial procedure in all compulsory arbitration cases shall be pursuant to Local Rule 1301 et seq., and not this pretrial rule, unless an appeal has been filed to an award made by an arbitration board pursuant to Pa.R.C.P. No. 1308.

b) Any party may declare the case ready for trial by filing a Certificate of Readiness with the Prothonotary and serving a copy on all parties and the Court Administrator. This Certificate of Readiness shall conform with Form F.1 of these Local Rules.

c) Any party objecting to a Certificate of Readiness shall do so by filing and serving objections within twenty (20) days of service of the Certificate of Readiness, along with a praecipe to the Prothonotary to place objections on the next available argument list. Objections shall be stated with particularity. If the objecting party claims that discovery is incomplete, the objecting party shall specify any discovery remaining to be completed. With no objections filed within twenty (20) days of service of the Certificate of Readiness, or if the court, upon considering the objections overrules them, any party may then file a praecipe with the Prothonotary to place the case on the next available pretrial list, whereupon the Prothonotary shall notify the Court Administrator that the case is ready for placement on the next available pretrial list.

d) Subject to the provisions of subsection (c) of this Rule, the Court Administrator shall place the case on a pre-trial list, unless the case involves actions for custody, support, divorce, interpleader, mandamus, paternity, protection from abuse, quo warranto, or Sheriff's interpleader. In cases in which the issues are simple so that a trial management will not present any unusual problems, the court, upon motion of all parties, may enter an order waiving pre-trial conference. Parties in cases where pre-trial conference is waived shall file pre-trial memoranda in compliance with this Local Rule.

e) Not less than ten (10) days prior to the scheduled time of the pre-trial conference the attorney for the plaintiff shall file with the Prothonotary (with a copy sent directly to the judge presiding over the pre-trial conference), and serve on opposing counsel, a pre-trial memorandum setting forth the information (and in the order) listed below. Three (3) days prior to the scheduled time of the pre-trial conference the attorneys for the defendants shall file with the Prothonotary (with a copy sent directly to the judge presiding over the pre-trial conference), and serve a copy on plaintiff's counsel, a similar pre-trial memorandum.

1) *Theory of the Case* - A brief narrative setting forth the essential factual legal issues to be decided at trial, including citations to authority where appropriate, and where appropriate a procedural history of the case;

2) *Settlement* - An outline of the date and amount of any offers of settlement which have been made;

3) *Witnesses* - A list of the names and addresses of all proposed witnesses except for records custodians whom may be identified by their institution or business name and address.

4) *Exhibits* - A statement of the number and nature of trial exhibits. Wherever practical, these exhibits should be produced at the pre-trial conference.

5) *Admissions/Stipulations* - Identify facts and issues not in dispute, and outline all proposed stipulations.

6) *Parties Unnecessary to the Case* - Identify such parties.

7) *Special Damages* -

a) *Personal Injuries*. A statement of the nature of the initial injuries, the treatment and the prognosis by the medical expert whose evidence is to be presented at the trial. If loss of earning is claimed, a statement as to the amount of the claim supported by authoritative documentary evidence from the employer, or if the claimant is self-employed, authoritative documents, particularly income tax returns.

b) *Property Damages*. All claims for property damages. A continuance shall be submitted on a form in substantial compliance with for F.3 of these Local Rules. For any case on a trial list or specially scheduled for trial

shall be documented by estimates, repair bills or appraisals of damages made by qualified persons.

f) Counsel attending the pre-trial conference must have complete authority to stipulate on items of evidence and admissions. Counsel shall know the extent of their settlement authority and be able to commit the principal to that extent, irrespective of the difference between demand and offer. The principal or someone in authority to commit the principal shall be available at the time of the pre-trial conference, either by telephone or in person. In appropriate circumstances, the court may order the case to arbitration.

g) In appropriate circumstances, the court may order a case set for a second or subsequent pre-trial conference.

h) Any witnesses or exhibits not identified by pre-trial memorandum shall not be admitted at trial except by leave of court. Any discovery taken after pre-trial conference shall occur only by leave of court. (However, this does not preclude depositions of experts or other unavailable witnesses for use at trial.)

i) Following the pre-trial conference, the court may enter a pre-trial order similar to Form F.2, confirming those matters resolved or agreed to at the pre-trial conference.

j) Failure of any party to comply with the provisions of this Rule may result in sanctions being imposed upon the offending party, including but not limited to, an award of counsel fees in favor of other attorneys attending the pre-trial conference, the removal of the case from the trial list, a ban on introducing evidence or advancing legal theories, the admission of requested evidence and/or exhibits without further proof, or the imposing of the expense of producing testimony to establish facts which admission or stipulation were unreasonably withheld.

k) Upon motion of any party the court, in its discretion, may certify a case as a complex case. For a complex case, the Court, in its discretion, may schedule one or more status conferences regarding any and all pre-trial issues including the scheduling or termination of pre-trial discovery or fixing of a date certain for trial.

#### **L-Rule 216. Continuances.**

no continuance will be granted for the reason of a conflict in another jurisdiction for a matter scheduled after the placement of the case on the Indiana County trial list or

after specially scheduled. In such situations, substitute counsel must be obtained.

**L-Rule 220.1. Juror Questionnaire.**

Prior to voir dire, each prospective juror shall complete and verify a confidential juror information questionnaire, provided by the court, in substantial compliance with Form F.4 of these Local Rules.

**L-Rule 234.1. Subpoenas.**

- a) Any request for a subpoena out of this court, other than to appear to testify before the court, shall be in writing and shall be filed with the Prothonotary of this court at or before the time the subpoena is issued.
- b) The request for subpoena shall be in substantial conformity with Form F.5.
- c) A certified copy of this request shall be served upon counsel of record for all other parties and upon any unrepresented parties, on the date of filing of the original request. Service shall be in compliance with Pa.R.C.P. Nos. 440 and 441.
- d) Any party or attorney who causes a subpoena to be issued by any other court in this Commonwealth to be utilized in an action or proceeding pending in Indiana County shall, upon issuance of the subpoena, immediately file a certificate with the Prothonotary of Indiana County containing the information required for the request for subpoena in Indiana County and shall immediately serve a certified copy of this certificate upon all counsel of record and any unrepresented parties in compliance with Pa.R.C.P. 440 and 441. This certificate shall be in substantial conformity with Form F.6.
- e) Any party or attorney who causes a subpoena issued by this court to be utilized in a manner inconsistent with the request, or who causes a subpoena issued by any other court of this Commonwealth to be utilized in any action or proceeding pending in this court and in a manner inconsistent with Pa.R.C.P. No. 234.1 shall be liable for sanctions. Any party to the action in conjunction with which the subpoena has been issued, or any person or entity upon whom a subpoena is served, shall have standing to move for sanctions in the event of a violation of this Rule. The court may, upon a finding that this Rule has been violated, impose any sanction set forth in

**L-Rule 4007.1. Depositions.**

Pa.R.C.P. No. 4019, and shall order the offending party or attorney to pay attorney's fees to the aggrieved party in the amount of \$500.00 or the actual amount incurred in connection with the motion, whichever is less.

**L-Rule 601.**

In all contractual arbitration cases any reference to local practice and procedure shall include not only these Local Rules but the Pennsylvania Rules of Civil Procedure pertaining to discovery and the law of evidence in the Commonwealth of Pennsylvania.

**L-Rule 1021.**

Any pleading demanding relief for unliquidated damages shall set forth only whether the amount is or is not in excess of \$25,000.

**L-Rule 1301.**

All civil cases which are filed where the amount in controversy (inclusive of interest as claimed but exclusive of costs), is \$25,000 or less, except those actions involving title to real estate, equity actions, attachment, executions, actions brought by the Commonwealth, actions upon bail bonds and recognizance, actions upon penal statutes, actions consolidated or subject to consolidation from trial with non-arbitratable cases arising out of the same facts under Pa.R.C.P. No. 213, and other actions which do not involve a recovery of money damages including divorce, mandamus, and quo warranto, shall be submitted to and heard and decided by a Board of Arbitrators pursuant to Pa.R.C.P. No. 1301, *et seq.*

**L-Rule 1028. Preliminary Objections.**

Preliminary objections shall be filed and briefed in the same manner as motions (see Local Civil Rule 210 and 211), except that a brief in support of the preliminary objections must be filed within 5 days of the filing of the preliminary objections, or the preliminary objections shall be automatically dismissed by the court. Briefs in opposition must be filed and served within 14 days of the filing of the brief in support. The answer or reply shall be filed within 20 days of the date of the dismissal of the preliminary objections. Failure of the responding party to timely file a brief shall preclude oral argument by the party.

a) No deposition shall be noticed without making a good faith effort to contact all opposing counsel to select a mutually convenient date and place for the deposition.

b) If the parties do not agree, the place of the taking of the deposition of a party or resident of Indiana County shall be in Indiana County. In the event that the parties cannot agree upon the location of the deposition within Indiana County, it shall be scheduled with the Court Administrator to be held in the Indiana County Courthouse.

**L-Rule 4007.3. Discovery Deadline.**

Except for the duty of supplementation and depositions for use at trial, all discovery shall be concluded within 270 days of the filing of the answer to the complaint. Motions for an extension of time to conduct discovery should be filed only in those cases where this Local Rule would impose an undue hardship on a party's ability to prepare for trial or where the particular facts or circumstances of the case make this Rule unfair or impractical.

**Form LF.1  
(Caption)  
CERTIFICATE OF READINESS**

I hereby certify that:

1. All pleadings have been completed;
2. All pre-trial discovery procedure have been completed;
3. All expert witness reports (medical, damage, liability, or otherwise) have been completed and exchanged between or among the parties; and,
4. This case is ready for trial.

Type of Trial: Jury \_\_\_\_\_ Nonjury \_\_\_\_\_ Arbitration \_\_\_\_\_

Estimated Trial Time: \_\_\_\_\_ (Days)

\_\_\_\_\_  
Signature

Plaintiff's Attorney  
Name \_\_\_\_\_  
Address \_\_\_\_\_

Additional Counsel  
Name \_\_\_\_\_  
Address \_\_\_\_\_

\_\_\_\_\_  
Date

Defendant's Attorney  
Name \_\_\_\_\_  
Address \_\_\_\_\_

Additional Counsel  
Name \_\_\_\_\_  
Address \_\_\_\_\_

**FORM LF.2  
(CAPTION)  
PRE-TRIAL ORDER**

AND NOW, \_\_\_\_\_, 1991 following a Pre-Trial Conference at which \_\_\_\_\_ was present in behalf of \_\_\_\_\_ and \_\_\_\_\_ was present in behalf of \_\_\_\_\_, the following agreements, stipulations and understandings were reached:

- 1. AMENDMENT TO PLEADINGS:
- 2. PRELIMINARY MOTIONS REMAINING TO BE DETERMINED:
- 3. DISCOVERY REMAINING:  
 None.  
 Only the following discovery, which shall be completed within \_\_\_\_ days from the date of this Order:

No discovery, other than that permitted by this Order shall be conducted hereafter except by leave of Court.

4. WITNESSES: No witness other than a witness listed on the pre-trial statements submitted to the court this date may be called as a witness for party's case in chief, except by leave of Court.

5. EXHIBITS: a) The following exhibits listed on the pre-trial statements submitted to the Court this date will, if relevant and otherwise admissible, be admitted into evidence without proof of the authenticity thereof:

b) The following exhibits listed on the pre-trial statements submitted this date will, if relevant and otherwise admissible, be admitted into evidence upon proof of the authenticity thereof:

c) No exhibit which has not been listed in any pre-trial statement may be offered at trial, except by leave of Court.

6. ADMITTED BILLS: Without admitting liability therefore, the defendant admits that the following bills were incurred by the plaintiff and are fair and reasonable:

7. STIPULATIONS OF FACT:

8. TYPE OF TRIAL AND ESTIMATED TRIAL TIME:

Trial will commence at 9:00 a.m. each day of trial and counsel will be present at 8:30 a.m. to meet with the court upon consideration of the within Motion, it is hereby ordered and decreed that the above matter be continued to

on any matters which may need attention prior to actual commencement of trial that day.

IT IS HEREBY ORDERED that this case shall proceed and be controlled by the foregoing agreements, stipulations and understandings.

BY THE COURT,

\_\_\_\_\_  
P.J.

**FORM LF.3  
(CAPTION)  
MOTION FOR CONTINUANCE**

- 1. This action was instituted on \_\_\_\_\_.
- 2. This matter is presently scheduled for a \_\_\_\_\_ which is scheduled for \_\_\_\_\_ at \_\_.m. before Judge \_\_\_\_\_.
- 3. This matter has previously been continued for the following reasons:

DATE	REASON	ON MOTION OF
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4. Counsel for \_\_\_\_\_ requests the above captioned matter be continued.

5. The reasons for this requested continuance are as follows:

\_\_\_\_\_  
\_\_\_\_\_

6. All parties or their attorneys have been made aware of the presentation of this motion and have responded as follows:

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Attorneys for

ORDER OF COURT

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, the \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_ o'clock \_\_.m. in courtroom number \_\_\_\_.

BY THE COURT,

\_\_\_\_\_  
Judge

**FORM LF.4  
JUROR INFORMATION QUESTIONNAIRE**

You are a prospective juror. To assist the court and lawyers to determine whether you will be selected as a juror, please respond to the following questions as completely and accurately as possible.

Your answers will be used solely for the purpose of assisting the lawyers in selecting a fair and impartial jury. By the use of the questionnaire, the jury selection process will be substantially shortened. The information contained in the questionnaires will be strictly confidential except for disclosures made during the jury selection process.

If you cannot answer a question, please leave the response area blank. During the questioning by the lawyers, you may be given an opportunity to explain or expand any answer if necessary.

Because this questionnaire is part of the jury selection process, your answers are subject to the penalties of law.

If you wish to make further comments regarding any of your answers, please use the "Explanation Sheet" at the end of your questionnaire to do so.

After you have completed the questionnaire, please sign and return it to the individual designated by the judge to receive the questionnaire. Thank you for your cooperation.

(Please print your answer clearly and use black ink.)

- 1. Full name \_\_\_\_\_ 2.
- Date and Place of Birth \_\_\_\_\_ 3.
- Where do you currently reside \_\_\_\_\_
- \_\_\_\_\_ a) Length
- of time at current address \_\_\_\_\_ b)
- Communities where you have lived in or out of the state
- within the past ten years \_\_\_\_\_

11. Are you aware of any physical or mental condition which will affect your ability to serve on a jury:

- \_\_\_\_\_ 4. If
- currently married, what is your spouse's name \_\_\_\_\_
- \_\_\_\_\_ 5.
- Employment/Occupation - Your present job \_\_\_\_\_
- \_\_\_\_\_ a)
- Current employer \_\_\_\_\_ b)
- How long employed in this job \_\_\_\_\_ c)
- Your spouse's present job and employer \_\_\_\_\_
- \_\_\_\_\_ d) If
- retired, when did you retire \_\_\_\_\_ e) Are
- other members of your household employed \_\_\_\_\_
- Yes \_\_\_ No \_\_\_

By whom \_\_\_\_\_

6. How many of your adult children or stepchildren live with you in your home and where are they employed?

- \_\_\_\_\_
- 7. Education (Indicate your level of education)
- Elementary School Yes \_\_\_ No \_\_\_
- High School Yes \_\_\_ No \_\_\_
- GED Yes \_\_\_ No \_\_\_
- Technical/Vocational Yes \_\_\_ No \_\_\_
- College Yes \_\_\_ No \_\_\_
- Graduate School Yes \_\_\_ No \_\_\_

8. Have you or any member of your household or family been involved in a criminal case or a civil suit as:

- \_\_\_ a defendant
- \_\_\_ a victim
- \_\_\_ a juror
- \_\_\_ a plaintiff
- \_\_\_ a witness

9. Have you or any member of your household or family ever been involved in police work or other law enforcement:

Yes \_\_\_ No \_\_\_

10. Do you believe that you cannot or should not serve as a juror:

Yes \_\_\_ No \_\_\_

Yes \_\_\_ No \_\_\_

12. If you have ever served on a jury before, please

indicate when and whether it was a civil or criminal case.

Yes \_\_\_ No \_\_\_

\_\_\_\_\_  
\_\_\_\_\_

13. Telephone:

Home ( ) \_\_\_\_\_ - \_\_\_\_\_

Work ( ) \_\_\_\_\_ - \_\_\_\_\_

I verify, subject to penalties of Section 4904 of the Crimes Code (18 Pa.C.S. Section 4904) relating to unsworn falsification to authorities, that the facts set forth in this questionnaire are true and correct.

DATE: \_\_\_\_\_  
SIGNATURE

**EXPLANATION SHEET**

If you feel that in the spaces provided you were unable to sufficiently answer any particular question, please use this sheet to provide that additional information. Thank you very much for your cooperation.

**FORM LF.5  
(CAPTION)  
REQUEST FOR SUBPOENA**

To the Prothonotary:

Please issue \_\_\_\_\_ Subpoena(s) in the above-captioned action.

The undersigned hereby certified that:

(1) He/she is a party or counsel of record for a party to the above-captioned action.

(2) The subpoena(s) issued pursuant to this request will be used to command a person to attend or to produce documents or things only at (check one):

(3) No subpoena described in this Certificate will be used to compel a person to appear or to produce documents or things *ex parte* before an attorney, a party, or a representative of the party.

a trial or hearing in an action or proceeding pending in the Court.

the taking of a deposition in an action or proceeding pending in the Court.

(3) No subpoena issued pursuant to this request will be used to compel a person to appear or to produce documents or things *ex parte* before an attorney, a party, or a representative of the party.

Respectfully submitted,

\_\_\_\_\_  
(Signature of party or counsel of record)

**FORM LF.6  
(CAPTION)  
CERTIFICATE OF COMPLIANCE WITH  
RULE 234.1**

To the Prothonotary:

Take notice that \_\_\_\_\_ subpoena(s) (has/have) been issued by the Prothonotary of \_\_\_\_\_ County for use in the above-captioned action.

The undersigned hereby certifies that:

(1) He/she is a party or counsel of record for a party to the above-captioned action.

(2) The subpoena(s) described in this Certification will be used to command a person to attend or to produce documents or things only at (check one):

a trial or hearing in an action or proceeding pending in the Court. The name and address of each person to be subpoenaed is set forth on a list attached to this Certificate.

the taking of a deposition in an action or proceeding pending in the Court. A copy of each Notice of Deposition is attached.

Respectfully submitted,

\_\_\_\_\_  
(Signature of party or counsel)

of record)

**Subchapter D. ACTIONS FOR CUSTODY,  
PARTIAL CUSTODY AND VISITATION OF  
MINOR CHILDREN**

**INDIANA COUNTY  
Local Rules of Civil Procedure Nos. L-1915.1,  
L-1915.2**

**Order of Court**

*And now*, this 14th day of January 1992, it is hereby ordered and directed that the following Amended Local Rules of Civil Procedure be, and they are hereby adopted and shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin* and shall apply to all civil proceedings pending at that time.

It is hereby ordered and directed that the Prothonotary of Indiana County in accordance with Pa.R.C.P. No. 239 file seven (7) certified copies of this Rule with the Administrative Office of Pennsylvania Courts, furnish two (2) certified copies to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin* and file one (1) certified copy with the Civil Procedural Rules Committee.

It is further ordered that this Local Rule shall be kept continuously available for public inspection and copying in the Office of the Prothonotary of Indiana County. Upon request and payment of reasonable costs of reproduction and mailing, the Prothonotary of Indiana County shall furnish to any person a copy of an Local Rules.

*By the Court*

W. Parker Ruddock  
President Judge

**CHAPTER 4. FAMILY MATTERS**

b) The Court Administrator shall schedule the Mediation Conference and the parties shall be notified by order of court, per Rule 1915.15(b) of the Pennsylvania Rules of Civil Procedure. The cost of said Mediation Conference, which shall be established by Administrative Order of Court, shall be borne equally by the partes, and each party shall deposit his or her share with the Prothonotary not

**Rule L-1915.1. Initial Conference.**

a) In all cases having to do with the custody, partial custody and visitation of minor children, including proceedings commenced under the Divorce Code of 1980, as amended (23 Pa.C.S. §3101, et seq.), where a party requests immediate action, an Initial Conference shall be scheduled by the Court Administrator to be held at the Indiana County Courthouse within thirty (30) days of the date of commencement of the action. The Initial Conference shall be attended by the parties and their respective counsel, if any, and they shall attempt to reach amicable settlement of the matter.

b) The parties shall be notified of the scheduled Initial Conference by Order of Court per Rule 1915.15(b) of the Pennsylvania Rules of Civil Procedure. It shall be the responsibility of the moving party to see that copies of the Order of Court scheduling the Initial Conference are served on all parties and their respective counsel.

c) Should the parties reach full agreement at the Initial Conference, they and their counsel shall so inform the Court Administrator, who shall arrange for their appearance before a Court Reporter to have such agreement reduced to the form of a stipulation for a consent order of court. Upon preparation and execution thereof, the same shall be submitted to the Court for approval and signature.

**Rule L-1915.2. Referral to Mediator. Procedure.**

a) In cases where no resolution is reached at the Initial Conference mentioned in Rule 4D-1915.1, or where a party does not appear at the Initial Conference, the matter shall be referred to the Indiana County Child Custody Mediator ("Mediator") for a Mediation Conference to attempt to reach amicable settlement of the matter.

later than seven (7) days prior to the date of the scheduled Mediation Conference. In the event that the moving party does not timely deposit his or her share of the cost, the Mediation Conference shall be canceled. If the responding party does not timely deposit his or her share of the cost, the matter shall be brought before the Court by Rule to Show Cause filed by the moving party.

c) The Mediator may in his discretion continue a Mediation Conference for cause shown. All applications for continuance shall be made in writing directly to the Mediator, and counsel requesting the continuance shall first have discussed the continuance with, and attempted to obtain the agreement of, opposing counsel and said continuance shall become a part of the permanent court record. In any event, a request for a continuance must be made no less than three working days before the date set for the Mediation Conference.

d) The Mediator shall ascertain the issues in the action through discussion with counsel and/or the parties. He shall not take testimony and the conference shall not be of record; rather, he shall attempt to determine the relevant facts through discussion, and shall suggest or recommend a proposed settlement. The Mediator may discuss the action with the children concerned in the presence of counsel; for this purpose children eight years of age or older may be present for the conference. Conference procedure shall at all times be in the sole discretion of the Mediator.

e)(1) When the Mediator determines that the parties have reached full agreement concerning the matter, he shall forthwith have the parties and their counsel appear before a Court Reporter to have such agreement reduced to the form of a Stipulation for a Consent Order of Court. Upon preparation and execution thereof, the same shall be submitted to the Court for approval and signature.

2) If the parties can reach only partial agreement concerning the action, the Mediator, in his discretion, may dictate a Consent Order covering the partial agreement and refer the disputed areas to the Court for decision, or may refer the entire action to the Court for decision. Hearing before the Court shall be scheduled forthwith.

3) If the parties cannot reach agreement, either full or partial, the Mediator, in his discretion, may make a recommended Temporary Order, which shall be immediately submitted to the Court, and upon its entry, shall remain in effect until further Order of Court.

4) The Mediator may further, in his discretion, dictate a Consent Order based upon the submission of a written stipulation executed by counsel and/or the parties.

f) If, when the Mediation Conference is called, one party does not appear either personally or by counsel, the

Mediator shall ascertain whether service and notice of conference have been made upon the non-appearing party. If service and notice have been made, the Mediator may, in his discretion, dictate an Order as in paragraph (d) granting the relief requested by the appearing party. If no party appears either personally or by counsel, the Mediator shall submit a report to the Court, together with a proposed Order to dismiss the action, in which event costs shall be assessed and collected.

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