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LEGAL LISTINGS

COURT NOTICES

IN THE SUPREME COURT OF PENNSYLVANIA

IN RE: PETITION TO ELIMINATE MAGISTERIAL DISTRICT COURT 32-1-31 PRIOR TO ORIGINAL SCHEDULED ELIMINATION DATE NO. 541 MAGISTERIAL RULES DOCKET

ORDER PER CURIAM

AND NOW, this 26th day of April, 2024, upon consideration of the Petition to Eliminate Magisterial District Court 32-1-31 Prior to the Original Scheduled Elimination Date, it is hereby ORDERED AND DECREED that Petition is granted. By Order dated February 3, 2023, Magisterial District Court 32-1-31 was scheduled for elimination effective January 3, 2028. Magisterial Districts 32-1-30 and 32-1-32, within Delaware County, were also to be realigned, effective January 3, 2028. Due to an early judicial vacancy, Magisterial District Court 32-1-31, within Delaware County, shall be eliminated effective September 3, 2024, and Magisterial Districts 32-1-30 and 32-1-32, within Delaware County, shall be realigned, effective September 3, 2024.

Said Magisterial Districts shall be as follows:
Magisterial District 32-1-30
Magisterial District Judge George B. Dawson

Effective 9/3/24:
Eddystone Borough
Rutledge Borough
Ridley Township, Wards 1, 2, 3, 5, 6, 7, 8, 9
Magisterial District 32-1-32

Magisterial District Judge Michael F. Culp
Effective 9/3/24:
Morton Borough
Ridley Township, Ward 4

Springfield Township, Wards 1-1, 1-2, 2-1, 2-2, 2-3, 3, 4, 5, 7

SUPREME COURT OF PENNSYLVANIA Minor Court Rules Committee

NOTICE OF PROPOSED RULEMAKING

Proposed Adoption of Pa.R.Civ.P.M.D.J. 210.1 and Amendment of Pa.R.Civ.P.M.D.J. 320

The Minor Court Rules Committee is considering proposing to the Supreme Court of Pennsylvania the adoption of Pa.R.Civ.P.M.D.J. 210.1 and the amendment of Pa.R.Civ.P.M.D.J. 320, pertaining to (1) prohibitions on ex parte communications and (2) stipulated judgments, respectively, for the reasons set forth in the accompanying Publication Report. Pursuant to Pa.R.J.A. 103(a)(1), the proposal is being published in the Pennsylvania Bulletin for comments, suggestions, or objections prior to submission to the Supreme Court.

Any report accompanying this proposal was prepared by the Committee to include the rationale for the proposed rulemaking. It will neither constitute a part of the rules nor be officially adopted by the Supreme Court.

Additions to the text are bolded and underlined; deletions to the text are bolded and bracketed.

The Committee invites all interested persons to submit comments, suggestions, or objections in writing to:

Pamela S. Walker, Counsel
Minor Court Rules Committee
Supreme Court of Pennsylvania
Pennsylvania Judicial Center
PO Box 62635
Harrisburg, PA 17106-2635
FAX: 717-231-9546 minorrules@pacourts.us

All communications in reference to the proposal should be received by June 18, 2024. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

By the Minor Court Rules Committee,
Honorable James R. Edgcomb
Chair

– This is an entirely new rule –

Rule 201.1. Ex Parte Communication.

Unless otherwise authorized by law or state court rule, no person shall communicate with the magisterial district judge in any way regarding matters pending before the magisterial district judge unless all parties:

1. are present or have been copied if the communication is written or in electronic form;
- or
2. have waived their presence or right to receive the communication.

(b) If the magisterial district judge receives any unauthorized ex parte communication, the magisterial district judge shall inform all parties of the communication and its content.

Comment: Generally, communications should include all parties. No unauthorized ex parte communications with the magisterial district judge are to occur. Authorized ex parte communications include those made in connection with proceedings for emergency protective orders, i.e., Pa.R.Civ.P.M.D.J. 1201 – 1211, which are ex parte proceedings. See Pa.R.Civ.P.M.D.J. 1207. Certain ex parte communications for scheduling, administrative, or emergency purposes that do not address substantive matters are permissible. See Rule 2.9(A)(1) of the Rules Governing Standards of Conduct of Magisterial District Judges.

Attorneys are bound by Rule 3.5 of the Rules of Professional Conduct. Magisterial district judges are bound by Rule 2.9 of the Rules Governing Standards of Conduct of Magisterial District Judges.

Attorneys and judges understand the impropriety of ex parte communications regarding matters pending before the magisterial district court but many participants are not attorneys or judges. This rule ensures that all parties receive the same information that is being presented to the magisterial district judge so that it may be challenged or supplemented.

Rule 320. Request to Withdraw Complaint; [Settlement] Settlements.

[A(1)](a) Withdrawal of Complaint.

(1) A plaintiff may withdraw [the] a complaint prior to [the] a commencement of [the] a hearing by filing a written notice of withdrawal with the magisterial district court. Upon receipt of such notice, the magisterial district court shall [note]:

- (i) **mark** the withdrawal of the complaint on the docket[;];
- (ii) cancel any scheduled hearing, [(except for a consolidated hearing on a cross-complaint pursuant to [Rule 315B],) Pa.R.Civ.P.M.D.J. 315B; and
- (iii) notify the parties in writing that the complaint has been withdrawn.

(2)(2) A withdrawal of [the] a complaint filed prior to [the] a commencement of [the] a hearing shall be deemed to be without prejudice. The plaintiff may file a new complaint on the same cause of action upon payment of all applicable fees and costs.

[B(1)](b) Settlements.

Settlement Without Stipulated Judgment.

Court Notices continues on 9

I N S I D E

Common Pleas Court:	7 Register of Wills
3 Civil Listings	7 U.S. Bankruptcy Court
4 Criminal Listings	2 U.S. Court of Appeals
4 Family Court	7 Hearing List
6 Municipal Court	7 U.S. District Court
7 Orphans' Court	2 Trial List
16 Public Notices	
4 Rules Returnable	

23-cr-0365 **10:30 A.M.**
USA v. POWELL
TUESDAY, MAY 7, 2024
Pretrial Conference/Hearing

22-cr-0294 **10:30 A.M.**
USA v. BURRELL
Trial Date

23-cv-1224 **09:30 A.M.**
ACEVEDO v. CITY OF READING et
J. M. GALLAGHER, J.
Courtroom TBA
Courtroom Deputy/Criminal: Christine Stein
phone: 610-391-7012
Courtroom Deputy Civil: Brian Dixon
phone: 610-434-3457

WEDNESDAY, MAY 1, 2024
Change of Plea Hearing

22-cr-0476 **09:30 A.M.**
USA v. DAVIDSON
Jury Selection

21-cr-0474 **09:00 A.M.**
USA v. ROWE
Pretrial Conference/Hearing

22-cr-0476 **09:30 A.M.**
USA v. DAVIDSON
THURSDAY, MAY 2, 2024
Sentencing

23-cr-0026 **09:30 A.M.**
USA v. WHITEHEAD
Status Conference/Hearing

23-cv-1801 **11:30 A.M.**
BREEO LLC v. YARDCRAFT LLC et
TUESDAY, MAY 7, 2024
Arraignment

24-cr-0073 **01:30 P.M.**
USA v. JOSEPH
Sentencing

23-cr-0120 **09:30 A.M.**
USA v. MUFFLEY
WEDNESDAY, MAY 8, 2024
Pretrial Conference/Hearing

22-cr-0326 **01:30 P.M.**
USA v. TAYLOR
Sentencing

23-cr-0026 **09:30 A.M.**
USA v. PRENO
PEREZ, J.
COURTHROOM 3H
Courtroom Deputy Danielle
Hughes
267-299-7420

WEDNESDAY, MAY 1, 2024
Motion Hearing

23-cv-2085 **10:00 A.M.**
KOMBA et al v. PROGRESSIVE INS
WEDNESDAY, MAY 8, 2024
Arbitration Hearing

23-cv-4534 **09:30 A.M.**
Bullard et al v. Unified Door
HODGE, J.

MONDAY, MAY 6, 2024
Change of Plea Hearing

23-cr-0215 **12:00 P.M.**
USA v. RUIZ
TUESDAY, MAY 7, 2024
Status Conference/Hearing

23-cr-0096 **09:30 A.M.**
USA v. HERRERA

MURPHY, J.
WEDNESDAY, MAY 1, 2024
Final Pretrial Conference

23-cv-0378 **12:00 P.M.**
OWENS v. JOHNNY JANOSIK, INC.

MONDAY, MAY 6, 2024
Motion Hearing

24-cv-0606 **02:00 P.M.**
RETAIL, WHOLESAL, AND DEPARTM

07-cr-0737 **10:00 A.M.**
USA v. SMITH

07-cr-0737 **10:00 A.M.**
USA v. TURNQUEST

07-cr-0737 **10:00 A.M.**
USA v. WILLIAMS

07-cr-0737 **10:00 A.M.**
USA v. ALICEA

TUESDAY, MAY 7, 2024
Competency Hearing

21-cr-0136 **03:00 P.M.**
USA v. HASSAN

SCOTT, J.
Courtroom TBA
Courtroom Deputy: Sue Flaherty
Phone: 267-299-7598

THURSDAY, MAY 2, 2024
Final Pretrial Conference

22-cv-3778 **10:00 A.M.**
SCHABACKER et al v. FERENS

MONDAY, MAY 6, 2024
Jury Selection

22-cv-3778 **09:30 A.M.**
SCHABACKER et al v. FERENS

Jury Trial

22-cv-3778 **09:30 A.M.**
SCHABACKER et al v. FERENS

TUESDAY, MAY 7, 2024
Scheduling Conference

24-cr-0085 **09:30 A.M.**
USA v. SINGLEY

24-cr-0085 **09:30 A.M.**
USA v. RIGHI

Sentencing

23-cr-0349 **10:00 A.M.**
USA v. WELCH

H. BARTLE, III, S.J.

THURSDAY, MAY 2, 2024
Motion Hearing

22-cv-3690 **02:00 P.M.**
APOGEE WAUSAU GROUP, INC. v. P

MONDAY, MAY 6, 2024
Sentencing

22-cr-0277 **09:30 A.M.**
USA v. AMORIELLO

WEDNESDAY, MAY 8, 2024
Motion Hearing

22-cv-2304 **10:00 A.M.**
TRUSTEES OF THE NATIONAL
ELEVA

J. R. PADOVA, S.J.
Courtroom 17B
Criminal Deputy Clerk: Michael Beck
Phone: 267-299-7409
Deputy Clerk Civil: Malissa Wolenski
Phone: 267-299-7459

THURSDAY, MAY 2, 2024
Motion Hearing

23-cr-0209 **11:30 A.M.**
USA v. DIXON

A. B. BRODY, S.J.
Courtroom 7B

Scheduling/Deputy Clerk: Joseph Walton
Phone: 215-597-3978

ESR-Courtroom Deputy: Jim Scheidt
Phone: 267-299-7439

MONDAY, MAY 6, 2024
Sentencing

23-cr-0185 **10:30 A.M.**
USA v. FUNDERBURK

WEDNESDAY, MAY 8, 2024
Miscellaneous Hearing

18-cv-5174 **10:30 A.M.**
FUENTES v. JIFFY LUBE INTERNAT

R. SURRICK, S.J.
Secretary Civil Deputy: Donna Donohue Marley
Phone: 267-299-7630
Criminal Deputy Clerk: Patrick Kelly
Phone: 267-299-7639

MONDAY, MAY 6, 2024
Jury Trial

20-cr-0200 **09:30 A.M.**
USA v. GLENMARK
PHARMACEUTICAL

20-cr-0200 **09:30 A.M.**
USA v. TEVA PHARMACEUTICALS US

C.M. RUFF, S.J.
Scheduling/Deputy Clerk: Kristen Pepin
Phone: (267) 299-7490
Fax: (267) 299-5077
ESR/Courtroom Deputy: Erica Pratt
Phone (267) 299-7499

WEDNESDAY, MAY 1, 2024
Arbitration Hearing

23-cv-4526 **09:30 A.M.**
Mzaouak v. Im et al

WEDNESDAY, MAY 8, 2024
Revocation Superv Rls-FinalHrg

22-cr-0439 **02:00 P.M.**
USA v. SAVAGE

M. BAYLSON, S.J.

WEDNESDAY, MAY 1, 2024
Motion Hearing

16-cv-0573 **11:00 A.M.**
RAZAK et al v. UBER TECHNOLOGI

Pretrial Conference/Hearing

23-cv-2320 **02:00 P.M.**
ROCK v. THE RADNOR HOTEL, INC.

MONDAY, MAY 6, 2024
Motion Hearing

23-cv-3676 **02:00 P.M.**
NEW AGE DEVELOPMENT GROUP,
LLC

T. J. SAVAGE, S.J.
Courtroom 9A
Courtroom Deputy: Alex Eggert
Phone: 267-299-7599
Judicial Secretary: Joanne Iyer
Phone 267-299-7480

THURSDAY, MAY 2, 2024
Jury Trial

23-cr-0172 **09:00 A.M.**
USA v. CASTILLO MORONTA

WEDNESDAY, MAY 8, 2024
Change of Plea Hearing

24-cr-0053 **01:00 P.M.**
USA v. MILLER

J. H. SLOMSKY, S.J.
Courtroom Deputy: Matt
Higgins
Courtroom Deputy: Matt Higgins
Phone: 267-299-7349
Civil Deputy: Kelly Haggerty
Phone: 267-299-7340

THURSDAY, MAY 2, 2024
Jury Trial

23-cv-0807 **09:30 A.M.**
LUNDY v. CITY OF PHILADELPHIA

24-cr-0050 **10:00 A.M.**
USA v. LAWS

24-cr-0050 **10:00 A.M.**
USA v. CHRISTBURGH

24-cr-0050 **10:00 A.M.**
USA v. MANUEL ROSA

Sentencing

23-cr-0051 **10:00 A.M.**
USA v. PARIS

MONDAY, MAY 6, 2024
Motion Hearing

23-cr-0473 **10:30 A.M.**
USA v. BETRAND

WEDNESDAY, MAY 8, 2024
Jury Trial

22-cv-3508 **09:30 A.M.**
BLIND BUILDERS, INC. v. BLINDS

Sentencing

19-cr-0629 **10:00 A.M.**
USA v. MILLER

C. S. WELLS, M.J.
Deputy Clerk: Edward Andrews
Phone: 215-597-7833

E. T. HEY, M.J.
Courtroom Deputy: Mia Harvey
phone (267) 299-7670

THURSDAY, MAY 2, 2024
Arraignment

24-cr-0140 **01:30 P.M.**
USA v. GORDILLO

L.A. SITARSKI, M.J.
Deputy Clerk: Regina M. Zarnowski
Phone: 267-299-7810

R.A. LLORET, M.J.

US Dist. Court
601 Market St.,
Phila., PA 19106
Chambers 4006
Courtroom Deputy Sheila McCurry
267-299-7410

REID, M.J.
3042 US Courthouse
601 Market Street
Philadelphia, PA 19106
Courtroom as assigned
Ian Broderick, Deputy Clerk
(267) 299-7640
Ian_Broderick@paed.uscourts.gov

THURSDAY, MAY 2, 2024
Settlement Conference

23-cv-1255 **10:00 A.M.**
ONE RIVERSIDE CONDOMINIUM
ASSO

FRIDAY, MAY 3, 2024
Settlement Conference

23-cv-3499 **10:00 A.M.**
ROBINSON v. OLD NAVY

MONDAY, MAY 6, 2024
Settlement Conference

23-cv-2646 **10:00 A.M.**
Kantor et al v. McDonald et al

TUESDAY, MAY 7, 2024
Settlement Conference

23-cv-4038 **10:00 A.M.**
SMITH v. HMP COMMUNICATIONS
LL

CARLOS, M.J.

MONDAY, MAY 6, 2024
Settlement Conference

23-cv-0807 **09:30 A.M.**
LUNDY v. CITY OF PHILADELPHIA

STRAW, M.J.

THURSDAY, MAY 2, 2024
Settlement Conference

23-cv-0288 **10:00 A.M.**
RAMOS v. SDH SERVICES EAST, LL

FRIDAY, MAY 3, 2024
Jury Selection

23-cv-0640 **09:30 A.M.**
DIXON v. SELECTIVE INSURANCE C

MONDAY, MAY 6, 2024
Trial Date

23-cv-0640 **09:30 A.M.**
DIXON v. SELECTIVE INSURANCE C

ARTEAGA, MJ
COURTROOM 3H
Courtroom Deputy

MONDAY, MAY 6, 2024
Settlement Conference

16-cv-0609 **10:00 A.M.**
PHILLIPS v. CITY OF PHILADELPH

TUESDAY, MAY 7, 2024
Arbitration Hearing

23-cv-3104 **09:30 A.M.**
Tapper v. Ohashi, ET. AL.

COMMON PLEAS COURT
CASE MANAGEMENT
CONFERENCE LIST

CASE MANAGEMENT
PROGRAM
ROOM 613
CITY HALL

Any questions regarding the Case Management Program should be directed to CivilCaseManagement@courts.phila.gov

TUE., APRIL 30, 2024
8 A.M.
0012310-1008J. L. Emmons
Tallarida et al. v. Einstein Medical Ctr.
Philadel
T. M. Savon

0022401-1695K. M. Bergsten
Mirante et al. v. McGrath et al.
J. P. Gonzalez; J. H. Tucker Jr; S. E.
Diamond
0032401-1726B. J. Kaminsky; D. R.
Layser
Owens v. Patel et al.
C. G. Goebel; J. M. Becker

0042401-1730G. J. Mullaney
Drace v. Phoenixville Hosp. et al.
C. Kelly Rebar; E. L. Wilson; E. M.
Henne; J. M. Becker; M. P. Merlini; M.
J. Joyce

0052401-1744T. F. Sacchetta; T.
Sacchetta
Reilly v. Temple Univ. Health System Inc. Et
I. W. Bushman; M. A. Mantell

0062401-1773J. M. Solarz
Bell et al. v. 501 Thomas Jones Way
Operations, Llc
S. J. Wall

9 A.M.
0012304-3095
Richardson v. Yusem et al.

0022306-2448D. E. Sternberg
McGroarty v. The Home Depot U.S.A. Inc.
et al.
J. G. Stringham; J. C. Rogers

0032307-1942M. I. Simon
Fisher v. City of Philadelphia
S. Kivell

0042309-1412D. P. Thiruselvam; K. T.
West
Sasse et al. v. Fiddheads Llc D/B/A Dobbs
On South E
M. R. Harding

0052310-1426G. Schafkopf; L. A.
Dijacomo; M. B. Weisberg
Hamad et al. v. Jones

0062310-2202D. C. Devine; M. T.
Vanderveen
McCaferty et al. v. Chapman et al.

1 P.M.
0012311-2398T. J. Savoia
Colon et al. v. Johnson
H. B. Welch

0022312-3078M. I. Simon
Jenkins v. 2500 Island Road Realty, Llc et al.
F. G. Gattuso; P. J. Hasson

0032401-2785F. L. Horn
Gordian v. Southeastern Pennsylvania

Phila. PA191 Philadelphia PA; Feb. 11, 2024; Michelle Renee Jubilee; 4231 Griscom St, Philadelphia, PA, 19124.
 1838 Aleyda Ivette Torres-Zayas1522 Van Kirk Street, Philadelphia, PA Philadelphia PA; Apr. 13, 2024; Dianivette Ortiz-Torres; 1522 Van Kirk Street, Philadelphia, PA, 19149; Sophia L. Ranalli.

INVENTORIES FILED

Name of decedent appears first in heavy type, followed by name of accountant's attorney.

Arlene Angelucci.
 Walter Jeackrson, Jr Michael L. Daiello, Esq.
 Pat Panichelli.
 Carla Renee Gay.
 Brenda Roberts Rogers.
 Steven K.L. Esoon-Hoo.

Harry Palmer Gordon Nicholas J. Starinieri

Esq.

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Edward Solecki Nicholas J. Starinieri Esq.

Bessie Davis.

Leopoldo Hernandez Kelly M. Peterson. Esq.

Andrew Lee Johnson.

Martha Bonanno Frank C. DePasquale Jr.

Charles R. Kairaitis Ned Hark Esq.

William Brandon Fisher Edward M. Zawrotny,

Esq.

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Court Notices

continued from 1

[The] If the parties do not request the entry of a stipulated judgment pursuant to a settlement agreement, the parties may file a written notice of settlement of the complaint with the magisterial district court at any time prior to the entry of judgment. Upon receipt of such notice, **the magisterial district judge shall:**

(A) [the magisterial district court shall note the case settled on the docket,] **mark the settlement of the case on the docket;**

(B) cancel any scheduled hearing [(], except for a consolidated hearing on a cross-complaint pursuant to [Rule 315B),] **Pa.R.Civ.P.M.D.J. 315B;** and

(C) notify the parties in writing that the complaint has been marked settled.

[(2)](ii)[Where the parties have filed a notice of settlement with the magisterial district court] If the magisterial district court has previously marked the civil action as settled pursuant to subdivision (b)(1)(i) and a subsequent breach of the settlement agreement occurs, a party may file a new complaint citing breach of the settlement agreement as the cause of action.

(2) Settlement with Stipulated Judgment.

(i) The parties may file a written notice of a stipulated judgment as part of a settlement agreement at any time prior to the entry of judgment.

(ii) The notice shall be made on a form promulgated by the State Court Administrator that shall include:

(A) the amount of the stipulated judgment, which shall include fees and interest, but not court costs;

(B) a notice to the defendant;

(I) to review the settlement agreement to ensure familiarity with and acceptance of its terms;

(II) that a judgment will be entered against the defendant on the docket of the magisterial district court; and

(III) the plaintiff shall have the right to request execution of the judgment if the defendant fails to make payments as agreed; and

(C) the signatures of the parties.

(iii) Upon receipt of a notice compliant with the requirements of subdivision (b)(2)(ii), the magisterial district court shall:

(A) mark the entry of the stipulated judgment on the docket;

(B) cancel any scheduled hearing, except for a consolidated hearing on a cross-complaint pursuant to Pa.R.Civ.P.M.D.J. 315B; and

(C) notify the parties in writing that the complaint has been marked settled.

[C(1)](c) Cross-complaints.

(1) [The] A withdrawal or settlement of the plaintiff's complaint pursuant to subdivision (a) or (b) shall not affect the right of the defendant to proceed with a cross-complaint filed pursuant to [Rule 315A] **Pa.R.Civ.P.M.D.J. 315A, unless it includes the cross-complaint.**

(2) The defendant may file a written notice of withdrawal of the cross-complaint in the manner set forth in **[subdivision A] subdivision (a).**

(3) The parties may file a written notice of settlement **or stipulated judgment** of the cross-complaint in the manner set forth in **[subdivision B] subdivision (b).**

[Note:] Comment: A complaint filed pursuant to [subparagraph A(2) or B(2)] **subdivision (a)(2) or (b)(1)(ii) [shall not be treated as] is not** a "reinstatement" of the underlying action[,] and is subject to all prescribed fees and costs for filing and service of a complaint. Compare with [Rule 314E] **Pa.R.Civ.P.M.D.J. 314E**, which provides for reinstatement of the complaint under the limited circumstance of failure to make timely service.

This rule also applies to the withdrawal or settlement of a cross-complaint. Moreover, a cross-complaint will survive the withdrawal or settlement of the corresponding complaint **if it is not included in a notice filed pursuant to this rule.**

For purposes of this rule, "stipulated judgment" means a judgment that is entered by the magisterial district court without a hearing and at the request of and with the agreement of the parties. See Pa.R.Civ.P.M.D.J. 210.1 prohibiting unauthorized ex parte communication with the magisterial district judge.

[Prior Rule 320, addressing continuances, was rescinded by Order of December 16, 2004, effective July 1, 2005, and its provisions were added to Rule 209.] The provisions of prior Pa.R.Civ.P.M.D.J. 320, pertaining to continuances, were relocated to Pa.R.Civ.P.M.D.J. 209, effective July 1, 2005.

PUBLICATION REPORT

Proposed Adoption of Pa.R.Civ.P.M.D.J. 210.1 and
Amendment of Pa.R.Civ.P.M.D.J. 320

The Minor Court Rules Committee ("Committee") is considering proposing to the Supreme Court of Pennsylvania the adoption of Pa.R.Civ.P.M.D.J. 210.1 and the amendment of Pa.R.Civ.P.M.D.J. 320, pertaining to prohibitions on ex parte communications and stipulated judgments, respectively.

While discussing a separate matter, the Committee became aware of instances in magisterial district courts of creditor-plaintiffs submitting ex parte requests to the court to mark civil complaints settled and requesting entry of a judgment in favor of the plaintiff. While a joint request for entry of judgment is not inherently problematic, the Committee perceived the potential for malfeasance if the filing does not reflect notice to or consent to the agreement by the defendant. The Committee thought it beneficial to examine methods to: (1) develop a procedure for the parties in a civil action to advise the magisterial district court of a settlement agreement that includes the entry of a judgment in favor of the plaintiff, i.e., a stipulated judgment; and (2) establish an explicit prohibition on unauthorized ex parte communications with the court by the parties or their representatives.

Ex Parte Communications

The Committee first examined ex parte communications in magisterial district courts. The Court has defined "ex parte" as:

On one side only; by or for one party; done for, in behalf of, or on the application of, one party only. A judicial proceeding, order, injunction, etc., is said to be ex parte when it is taken or granted at the insistence and for the benefit of one party only, and without notice to, or contestation by any person adversely interested.

Commonwealth v. Carpenter, 725 A.2d 154, 168 (Pa. 1999) (quoting Black's Law Dictionary, 517 (5th Ed. 1979)).

Magisterial district judges and attorneys are bound by codes of conduct that prohibit unauthorized ex parte communication. See Rule 2.9 of the Rules Governing Standards of Conduct of Magisterial District Judges and Rule 3.5 of the Rules of

Professional Conduct, respectively. In contrast, there is no similar obligation for parties in the Rules of Civil Procedure Governing Actions and Proceedings Before Magisterial District Judges. Thus, while magisterial district judges and attorneys have guidance relating to ex parte communications, the same cannot be said for a litigant who is not lawtrained.

The Committee looked to existing Rules of Juvenile Court Procedure, which has prohibitions on ex parte communications by the parties. See Pa.R.J.C.P. 136 and 1136 (pertaining to delinquency and dependency proceedings, respectively). The Committee used these rules as the basis for developing proposed Pa.R.Civ.P.M.D.J. 210.1.

While ex parte communications are generally prohibited by proposed Pa.R.Civ.P.M.D.J. 210.1, certain ex parte communications are authorized and permitted. Notably, proceedings for emergency protective relief are filed and heard on an ex parte basis. "As soon as possible after the filing of the petition, the hearing officer shall hold an ex parte hearing thereon." Pa.R.Civ.P.M.D.J. 1207 (pertaining to hearings for emergency protective relief). Moreover, Rule 2.9(A)(1) of the Rules Governing Standards of Conduct of Magisterial District Judges identifies types of authorized ex parte communications under certain circumstances, e.g., scheduling, administrative, or emergency purposes. These exceptions to the general rule against ex parte communications are included in the Comment to proposed Pa.R.Civ.P.M.D.J. 210.1.

Stipulated Judgments

The Committee considers the phrase "stipulated judgment" to mean a consensual judgment that is entered without a hearing by the magisterial district court at the request of the parties. Because the Committee was informed that ex parte requests for stipulated judgments are being filed with magisterial district courts, it agreed to consider developing a procedure to ensure a defendant is an informed and active participant to a request to enter a stipulated judgment.

The Committee proposes dividing Pa.R.Civ.P.M.D.J. 320(B), pertaining to settlements, into two subdivisions. Subdivision (b)(1) reflects current subdivision (B), regarding a request to mark a civil action settled without the entry of a stipulated judgment. This provision could be used when the parties reach an out of court settlement that does not include the entry of a judgment by the court.

Proposed subdivision (b)(2) includes new provisions relating to a stipulated judgment and emphasizes participation of the parties. Proposed subdivision (b)(2)(ii) provides for a new statewide form to request entry of a stipulated judgment by the magisterial district court. The amount of the judgment will be entered on the form. The amount of the judgment should not include court costs insofar as those are determined by Pa.R.Civ.P.M.D.J. 206B and are the responsibility of the unsuccessful party. The judgment issued by the magisterial district court will reflect these costs.

The form will also contain a notice to the defendant: (1) to review the settlement agreement to ensure familiarity with and acceptance of its terms; (2) that judgment will be entered against the defendant on the docket of the magisterial district court; and (3) failure to make payments as agreed upon will give the plaintiff the right to request execution of the judgment. Finally, the form will require the signatures of the parties, reflecting that the request is being made jointly. Proposed Pa.R.Civ.P.M.D.J. 320(b)(2)(ii)(C). The Comment to proposed Pa.R.Civ.P.M.D.J. 320 was amended to include a cross-reference to proposed Pa.R.Civ.P.M.D.J. 210.1, prohibiting unauthorized ex parte communication with the magisterial district judge.

Relative to proposed Pa.R.Civ.P.M.D.J. 320(b)(2)(ii)(B)(I), advising the defendant to review the terms of a settlement agreement, it was not the Committee's intent to require judicial approval of the terms of these agreements. The primary risk in such arrangements is that the plaintiff may execute upon a judgment prematurely or the levy may be excessive in relation to prior payments

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on the judgment. Should that occur, the defendant could file an objection to the levy pursuant to Pa.R.Civ.P.M.D.J. 413, which can be the subject of a request for reconsideration at the court of common pleas. The Committee was satisfied with this remedy for a premature request or excessive levy.

The Committee did consider an alternative approach to entry of a stipulated judgment. The alternative scheme would have the magisterial district court keep the hearing date on the schedule to allow either party to contest the stipulation prior to its entry. Then, if either party appeared at the scheduled hearing time to object to the stipulation, the magisterial district judge would continue the hearing to a later date. In contrast, if no one appeared at the scheduled hearing time, then the magisterial district court would enter the judgment. Ultimately, the Committee did not favor this approach, finding it would complicate the process, disrupt scheduling, and create the potential for intentional delays.

The Committee also observed that the parties will have to act diligently within the allotted time between the filing of the complaint and the date scheduled for the civil hearing. Parties inclined to negotiate a settlement including a stipulated judgment will have limited time, unless a continuance is sought, to negotiate the agreement, execute it, and file the request with the magisterial district court. However, parties who have reached a mutually satisfactory outcome should be incentivized to proceed as directed in proposed Pa.R.Civ.P.M.D.J. 320.

Finally, the Committee recommended Pa.R.Civ.P.M.D.J. 320 to the Court in 2014 to address the misuse of reinstatement of civil complaints, currently limited to circumstances of failure to make timely service. See Pa.R.Civ.P.M.D.J. 304E(1). There is no counterpart to Pa.R.Civ.P.M.D.J. 304E(1) in the rules governing landlord-tenant actions because service can be accomplished by posting, thus, timely service is not an issue in landlord-tenant actions. The Committee specifically invites comments on whether the landlord-tenant rules would benefit from the addition of a withdrawal and settlement rule.

The Committee welcomes all comments, concerns, and suggestions regarding this proposal.

IN THE SUPREME COURT OF PENNSYLVANIA

IN RE:

ORDER AMENDING RULES 105, 201, 202, 203, 205, 206, 213, 303, 304, and 341 OF THE PENNSYLVANIA BAR ADMISSION RULES:

NO. 983
SUPREME COURT RULES DOCKET

ORDER

PER CURIAM

AND NOW, this 17th day of April, 2024, upon the recommendation of the Board of Law Examiners, the proposal having been submitted without publication pursuant to Pa.R.J.A. No. 103(a)(3) in the interests justice and efficient administration:

IT IS ORDERED, pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules 105, 201, 202, 203, 205, 206, 213, 303, 304, and 341 of the Pennsylvania Bar Admission Rules are amended in the attached form.

This **ORDER** shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective May 1, 2024.

Additions to the rule are shown in bold and are underlined. Deletions from the rule are shown in bold and brackets.

Rule 105. Civil Immunity of the Board of Law Examiners . . .

[(A)a] The Board of Law Examiners . . .

[(B)b] Records, statements of opinion . . .

Rule 201. Bar of the Commonwealth of Pennsylvania

(b) Changes in Status Under Enforcement Rules. An attorney admitted to the bar or issued a limited license to practice law as an in-house corporate counsel, military attorney, **spouse of an active-duty service member, attorney participant in defender or legal services programs,** or foreign legal consultant:

Rule 202. Admission to the Bar

An applicant who complies with the requirements of Rule 203 (relating to admission by bar examination), Rule 204 (relating to admission by reciprocity), Rule 205 (relating to **[admission by bar examination for graduates of foreign law degrees] admission of foreign attorneys and graduates of foreign institutions**) or Rule 206 (relating to admission by transfer of bar examination score) and the applicable rules of the Board shall be admitted to the bar of this Commonwealth in the manner prescribed by these rules. . . .

Rule 203. Admission by Bar Examination

(a) Bar Examination. The general requirements for permission to sit for the bar examination are:

(3) An applicant who is disbarred or suspended for disciplinary reasons from the practice of law in another jurisdiction at the time of filing an application for permission to sit for the

bar examination shall not be eligible to sit for the bar examination.

(b) Admission to the Bar. The general requirements for admission to the bar of this Commonwealth are:

(3) satisfactory completion of the Multistate Professional Responsibility Examination at the score determined by the Court which score shall be publicly posted[;].

Rule 205. Admission of Foreign Attorneys and Graduates of Foreign Institutions

(a) General Rule. The Board, under such standards, rules and procedures as it may prescribe, may extend the provisions of Rule 203 (relating to [the] admission by bar examination) or Rule 206 (relating to admission by bar examination score transfer) to any applicant who has completed the study of law in a law school which at the time of such completion was not located within the geographical area encompassed by the accreditation activities of the American Bar Association and:

(b) Law Study Required. **[Unless otherwise provided by the Board, a]** Applicants who meet the provisions of subparagraph (a) of this rule may apply to sit for the Pennsylvania Bar Examination **per Rule 203 or seek admission by transfer of a bar examination score per Rule 206** provided they have successfully completed 24 credits hours in an accredited American law school in the following subjects: . . .

Rule 206. Admission by Bar Examination Score Transfer

(a) Score Requirements.

1. The UBE score must meet or exceed that established by the Court as the minimum passing score for applicants sitting for the bar examination . . .

Official Note: In accordance with the requirement in Pa.B.A.R. 203(a)(2)(i), graduates of foreign law schools must also meet the requirements of Pa.B.A.R. 205 – **[Admission by Bar Examination for Graduates of Foreign Law Schools] Admission of Foreign Attorneys and Graduates of Foreign Institutions** – to transfer a score under this rule.

Rule 213. Hearings Before the Board

Official Note: Based on former Supreme Court Rule 14A. “Other than scholastic” means that the failure to comply with Rule 203(a)(1), (a)(2), **[or] (b)(1), or (b)(3)** is not reviewable pursuant to Rule 213.

Rule 303. Limited Admission of Military Attorneys [A.](a) General Rule. . . .

[B.](b) Application. . . .

[C.](c) Action. . . .

[D.](d) Scope of Practice. . . .

[E.](e) Expiration of Admission. . . .

[F.](f) Status. . . .

Rule 304. Limited Admission of Spouses of Active-duty Service Members of the United States Uniformed Services

(c) Limitations

(3) In the event Rule 304(c)(2)(A) [or (B)] applies as a result of the death of the spouse of the attorney admitted under this rule, the termination of the limited admission provided by this rule will be subject to a six-month grace period.

Rule 341. Licensing of Foreign Legal Consultants.

(a) Required qualifications. . . .

(6) Has passed the Multistate Professional Responsibility Examination . . .



FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
PHILADELPHIA COURT OF COMMON- PLEAS

TRIAL DIVISION - CRIMINAL
NOTICE TO THE BAR

ALTERNATIVE FELONY DISPOSITION PROGRAM

Effective immediately, the Court will not accept new participants into the Alternative Felony Disposition (“AFD”) pretrial diversion program. Current participants already accepted in the AFD program or on the program’s waitlist prior to today’s date may continue until their participation is completed. All current and waitlisted participants must complete the AFD program on or before December 31, 2024.

DATE: April 9, 2024

Honorable Daniel Anders

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Administrative Judge
Trial Division
Philadelphia Court of Common Pleas
First Judicial District of Pennsylvania

Honorable Rose Marie Defino-Nastasi
Supervising Judge
Trial Division - Criminal
Philadelphia Court of Common Pleas
First Judicial District of Pennsylvania

**SUPREME COURT OF PENNSYLVANIA
JUVENILE COURT PROCEDURAL RULES COMMITTEE
NOTICE OF PROPOSED RULEMAKING
Proposed Amendment of Pa.R.J.C.P. 1601 and 1608**

The Juvenile Court Procedural Rules Committee is considering proposing to the Supreme Court of Pennsylvania the amendment of Pennsylvania Rules of Juvenile Court Procedure 1601 and 1608 governing “potential kinship care resource” for the reasons set forth in the accompanying publication report. Pursuant to Pa.R.J.A. 103(a)(1), the proposal is being published in the Pennsylvania Bulletin for comments, suggestions, or objections prior to submission to the Supreme Court.

Any report accompanying this proposal was prepared by the Committee to indicate the rationale for the proposed rulemaking. It will neither constitute a part of the rules nor be adopted by the Supreme Court.

The Committee invites all interested persons to submit comments, suggestions, or objections in writing to:

Daniel A. Durst, Chief Counsel

Juvenile Court Procedural Rules Committee Supreme Court of Pennsylvania
Pennsylvania Judicial Center P.O. Box 62635
Harrisburg, PA 17106-2635
FAX: 717-231-9541
juvenilerules@pacourts.us

All communications in reference to the proposal should be received by **May 31, 2024**. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

By the Juvenile Court Procedural Rules Committee,
Judge Andrea Marceca Strong, Chair

**SUPREME COURT OF PENNSYLVANIA
JUVENILE COURT PROCEDURAL RULES COMMITTEE
PUBLICATION REPORT
Proposed Amendment of Pa.R.J.C.P. 1601 and 1608**

The Juvenile Court Procedural Rules Committee (“Committee”) is considering proposing the amendment of Pennsylvania Rules of Juvenile Court Procedure 1601 and 1608 to implement the Act of December 14, 2023, P.L. 412, No. 48, concerning “potential kinship care resource.”

Effective February 12, 2024, the Act added the definition of “potential kinship care resource” to the Juvenile Act, 42 Pa.C.S. § 6302. The Act also amended 42 Pa.C.S. § 6336.1(a) to require the county agency to provide notice of permanency hearings to potential kinship care resources. The potential resource then has the right to be heard at the hearing as to the resource’s qualifications to provide kinship care. Thereafter, the court must decide whether the resource may receive notice of, or participate in, future hearings.

To reflect the Act, Pa.R.J.C.P. 1601(a)(5) is proposed to be amended to include “potential kinship care resource” as a person to receive notice of the permanency hearing. Additionally, a new subdivision (d)(1)(xviii) is proposed to be added to Pa.R.J.C.P. 1608 to require a finding on whether the potential kinship care resource should receive notices of future hearings.

The Committee invites all comments, concerns, and suggestions regarding this rulemaking proposal.

Rule 1601. Permanency Hearing Notice.

[A.](a) At least [fifteen] 15 days prior to the hearing, the court or its designee shall give notice of the permanency hearing to:

- (1) all parties;
- (2) the attorney for the county agency;
- (3) the child’s attorney;
- (4) the guardian’s attorney;
- (5) the parents, child’s foster parent, preadoptive parent, [or] relative providing care for the child, or a potential kinship care resource;
- (6) the court appointed special advocate, if assigned;
- (7) the educational decision maker, if applicable; and

[B.](b) (8) any other persons as directed by the court.

If a party intends to request a goal change from reunification, then either the notice shall state this purpose or the party shall give separate notice of the intended goal change in accordance with [paragraph (A)] subdivision (a).

Comment: Regarding subdivision (a)(5), see 42 Pa.C.S. § 6302 for the definition of “potential kinship care resource.” Once a potential kinship care resource has addressed the court as to the individual’s qualifications, the court is to decide whether the potential kinship care resource may receive notice of, or participate in, future hearings. See Pa.R.J.C.P. 1608(d)(1)(xviii). If the court decides that the potential kinship care resource is not to receive notice of future hearings, notice to that individual pursuant to subdivision (a)(5) is no longer required.

Given the significance of discontinuing the goal of reunification, the requirement of [paragraph (B)] subdivision (b) is to ensure that parties, counsel, and interested persons have notice of the purpose of the hearing and are able to prepare for and attend the hearing.

[Official Note: Rule 1601 adopted August 21, 2006, effective February 1, 2007. Amended April 29, 2011, effective July 1, 2011. Amended May 17, 2018, effective October 1, 2018.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1601 published with the Court’s Order at 36 Pa.B. 5571 (September 2, 2006). Final Report explaining the amendments to Rule 1601 published with the Court’s Order at 41 Pa.B. 2413 (May 14, 2011). Final Report explaining the amendments to Rule 1601 published with the Court’s Order at 48 Pa.B. 3321 (June 2, 2018).]

Rule 1608. Permanency Hearing.

(d) Court’s Findings.

(1) **Findings at all Six-Month Hearings.** At each permanency hearing, the court shall enter its findings and conclusions of law into the record and enter an order pursuant to Rule 1609. On the record in open court, the court shall state:

(xvi) whether sufficient steps have been taken by the county agency to ensure the child has been provided regular, ongoing opportunities to engage in age-appropriate or developmentally-appropriate activities, including:

(A) consulting the child in an age-appropriate or developmentally-appropriate manner

about the opportunities to participate in activities; and

(B) identifying and addressing any barriers to participation; [and]

(xvii) whether the visitation schedule for the child with the child’s guardian is adequate, unless a finding is made that visitation is contrary to the safety or well-being of the child[.]; and

(xviii) if a potential kinship care resource has addressed the court as to the individual’s qualifications, then whether the potential kinship care resource may receive notice of, or participate in, future hearings.

Comment: See 42 Pa.C.S. §§ 6341, 6351.

Pursuant to subdivision (d)(1)(xv), the county agency is to testify and enter evidence into the record on how it took sufficient steps to ensure the caregiver is exercising the reasonable and prudent parent standard. For the definition of “caregiver” and the “reasonable and prudent parent standard,” see Rule 1120. Pursuant to subdivision (d)(1)(xvi), when documenting its steps taken, the county agency is to include how it consulted with the child in an age-appropriate or developmentally-appropriate manner about the opportunities of the child to participate in activities. For the definition of “age-appropriate or developmentally-appropriate,” see Rule 1120. These additions have been made to help dependent children have a sense of normalcy in their lives. These children should be able to participate in extracurricular, enrichment, cultural, and social activities without having to consult caseworkers and ask the court’s permission many days prior to the event. See also Preventing Sex Trafficking and Strengthening Families Act (P.L. 113-183), 42 U.S.C. §§ 675 and 675a (2014).

Regarding subdivision (d)(1)(xviii), see 67 Pa.C.S. § 7507(c) for Kinship Care Program.

**SUPREME COURT OF PENNSYLVANIA
JUVENILE COURT PROCEDURAL RULES COMMITTEE
NOTICE OF PROPOSED RULEMAKING
Proposed Amendment of Pa.R.J.C.P. 161, 170, and 172**

The Juvenile Court Procedural Rules Committee is considering proposing to the Supreme Court of Pennsylvania the amendment of Pennsylvania Rules of Juvenile Court Procedure 161, 170, and 172 governing expungement procedures for the reasons set forth in the accompanying publication report. Pursuant to Pa.R.J.A. 103(a)(1), the proposal is being published in the Pennsylvania Bulletin for comments, suggestions, or objections prior to submission to the Supreme Court.

Any report accompanying this proposal was prepared by the Committee to indicate the rationale for the proposed rulemaking. It will neither constitute a part of the rules nor be adopted by the Supreme Court.

The Committee invites all interested persons to submit comments, suggestions, or objections in writing to:

Daniel A. Durst, Chief Counsel

Juvenile Court Procedural Rules Committee Supreme Court of Pennsylvania
Pennsylvania Judicial Center P.O. Box 62635
Harrisburg, PA 17106-2635
FAX: 717-231-9541
juvenilerules@pacourts.us

All communications in reference to the proposal should be received by **May 31, 2024**. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

By the Juvenile Court Procedural Rules Committee,
Judge Andrea Marceca Strong, Chair

**SUPREME COURT OF PENNSYLVANIA
JUVENILE COURT PROCEDURAL RULES COMMITTEE
PUBLICATION REPORT
Proposed Amendment of Pa.R.J.C.P. 161, 170, and 172**

The Juvenile Court Procedural Rules Committee (“Committee”) is considering proposing the amendment of Pennsylvania Rules of Juvenile Court Procedure 161, 170, and 172 to facilitate the complete expungement of delinquency court records.

The Committee previously published a proposal to revise the required contents of an expungement order to direct that all records be expunged or destroyed and to provide the juvenile court with the discretion to establish a compliance deadline. See 49 Pa.B. 7293 (December 14, 2019). That proposal was intended to address concerns of undue delay in compliance with expungement orders and incomplete expungements.

During the course of rulemaking, the Pennsylvania Juvenile Justice Task Force was formed. Released in June of 2021, the Task Force’s Report and Recommendation included proposals changing the expungement eligibility criteria and making the juvenile probation office responsible for initiating the expungement process. Responsive legislation was introduced as Senate Bill 170, Regular Session 2023-2024, to amend the Juvenile Act. Consequently, the Committee paused further rulemaking.

The Committee was informed that the concerns giving rise to the original proposal continue to exist. Accordingly, the Committee opted to reopen rulemaking to address those concerns while remaining mindful of the pending legislation.

First, “incomplete expungements” occur when the motion and order fail to identify all the recordkeepers to be served and all the records to be expunged or destroyed. This is a particular concern in counties where the burden of initiating the expungement process is placed on the juvenile because often the juvenile does not know “who received what” as it is typically the juvenile probation

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office (JPO) disseminating records, including those in the manner of “service inquiries” to prospective providers of services.

Second, there should be a “feedback loop” requiring the recordkeepers to act on the expungement order by a date certain. Anecdotally, the information in the expungement order may not match the recordkeeper’s required identifiers, e.g., Offense Tracking Number, so there is no expungement. However, the feedback that an expungement cannot occur based upon the information in the order is not communicated to the juvenile or the court.

The Committee proposes amending Pa.R.J.C.P. 161 to add subdivision (e) to permit an eligible juvenile to submit a written request to the JPO to disclose information to the juvenile that is necessary to expunge the juvenile’s records. The JPO has 30 days to respond to that request. The requirements for the content of an expungement motion set forth in Pa.R.J.C.P. 170(b) would be amended to include identification of the records to be expunged and the recordkeepers to be served with the expungement order.

The Committee also proposes amending Pa.R.J.C.P. 172 to require recordkeepers to respond in writing within 30 days of service of the expungement order about the action taken in response to the order. This amendment is intended to provide the necessary feedback to ensure compliance with expungement orders and to detect whether additional information is needed to effectuate the expungement.

The Committee invites all comments, concerns, and suggestions regarding this rulemaking proposal.

Rule 161. Inspecting, Copying, and Disseminating Juvenile Probation Files.

[A.](a) Inspecting and Copying. Except as provided in [paragraph (C)] subdivision (c), juvenile probation files shall be open to inspection and/or and copying only by:

- (1) the juvenile or the juvenile’s attorney of record in the instant proceeding;
- (2) the attorney for the Commonwealth;
- (3) the State Sexual Offenders Assessment Board;
- (4) the Juvenile Court Judges’ Commission; or

[B.](b)

- (5) any other person, agency, or department by order of court.

- (1) Juvenile Probation Information.

(2) Information maintained by juvenile probation offices other than juvenile probation files shall be subject to inspection and/or and copying only pursuant to court order.

Each juvenile probation office shall create a document, which describes the information that is maintained by the juvenile probation office concerning each juvenile. This document shall be open to inspection and copying pursuant to [paragraph (A)] subdivision (a).

Contents of Order. The order shall:

[C.](c)

- (1) specify who shall be permitted to inspect the file, information, or any portion thereof;
- (2) specify who shall be permitted to copy the file or information;
- (3) state that the file or information received shall not be disseminated to any person, agency, or department not listed in the court order; and

(4) state that dissemination of any file or information received is a violation of the court order.

Disseminating.

[D.](d)

(1) The juvenile probation office has discretion to disseminate portions of its files or information to the juvenile, service providers, placement facilities, and courts and courts’ professional staff of other jurisdictions when facilitating placement, the delivery of services,

(e)

(2) treatment, or transfer of the case to, or supervision by another jurisdiction consistent with applicable Federal or state law.

person,

Unauthorized dissemination of any file or information to agency, or department not permitted to inspect or copy the file pursuant to this rule may result in a finding of contempt of court.

Expungement Information. Upon written request by an eligible juvenile for the purpose of expungement, and without the necessity of a court order, the juvenile probation office shall provide the juvenile the following within 30 days of the request:

- (1) a list of recipients to whom the juvenile probation office has disseminated the juvenile’s record;
- (2) the identification of the records disseminated; and
- (3) any other information reasonably necessary to expunge the juvenile’s record.

Comment: Documents contained in the juvenile probation files are not a part of the official court record unless the juvenile probation office officially files the documents in the official court record. Those documents placed in the official court record are governed by Rule 160 and 42 Pa.C.S. § 6307.

Juvenile probation files containing a juvenile’s disclosures for the purpose of treatment should be reviewed for potentially privileged communications prior to dissemination. See, e.g., *Commonwealth v. Carter*, 821 A.2d 601 (Pa. Super. 2003).

The notes of a juvenile probation officer, which describe the officer’s impressions or personal observations, but which are not included in a report to the court or other report, are not considered a component of a juvenile probation file that is open to inspection or and copying under [paragraph (A)] subdivision (a). “Juvenile probation files,” as used in [paragraph (A)] subdivision (a) and defined in Rule 120, is intended to include files existing in whole or in part in either paper or digital form.

Nothing in this rule is intended to preclude the juvenile probation office from sharing information with the juvenile.

Official Note: Rule 161 adopted May 21, 2012, effective August 1, 2012. Amended August 23, 2012, effective immediately. Amended March 15, 2019, effective July 1, 2019.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 161 published with the Court’s Order at 42 Pa.B. 3203 (June 9, 2012). Final Report explaining the amendments to Rule 161 published with the Court’s Order at 42 Pa.B. 5734 (September 8, 2012). Final Report explaining the amendments to Rule 161 published with the Court’s Order at 49 Pa.B. 1512 (March 30, 2019).]

Rule 170. Motion to Expunge or Destroy Records.

[A.](a)

Motion. Upon motion, or sua sponte, expungement proceedings may be commenced:

- (1) if a written allegation is not approved for prosecution;
- (2) if the petition is dismissed by the court;
- (3) in consent decree and informal adjustment cases:
 - (a)(i) when six months have elapsed since the final discharge of the juvenile from

supervision; and

[(b)](ii) if no proceeding seeking adjudication or conviction is pending;

(4) **[when]** if a juvenile has been discharged from court supervision pursuant to Rule 631: [(a)](i) five years have elapsed;

[(b)](ii) the juvenile has not been convicted or adjudicated delinquent for a felony or misdemeanor;

[(c)](iii) no court proceeding is pending seeking such conviction or adjudication; and

[(d)](iv) the delinquent act is not an act precluded from expungement pursuant to 18

Pa.C.S. § 9123(a.1); or

(5) (b) **[when]** if the attorney for the Commonwealth consents to the expungement.

[B.] Contents of Motion. A motion, which shall include a proposed court order, shall contain the following information:

- (1) the name of the juvenile;
- (2) the date of birth of the juvenile, if known;
- (3) the juvenile’s case docket number, if any;
- (4) the allegations or offenses to which the order pertains;
- (5) the law enforcement agency that initiated the allegations;
- (6) the reference number of the police report or written allegation to be expunged or destroyed, including the juvenile offense tracking number (JOTN), if available;
- (7) the date of arrest;
- (8) the disposition of the written allegation or petition;
- (9) the reasons and statutory authority for expunging or destroying the documents, fingerprints, or photographs; [and]
- (10) **the identification of records to be expunged or destroyed; and**
- (11) the **[agencies] recordkeepers** upon which certified copies of the court order shall be served.

[C.](c) Service of Motion. In addition to the service required by Rule 345, the movant shall serve the motion on the chief juvenile probation officer.

[D.](d) Answer.

(1) The attorney for the Commonwealth, and any other person upon whom the motion was served, may file an answer to the motion.

(2) If objections to the motion are not made within [thirty] 30 days of the filing of the motion, they shall be deemed waived.

[E.](e) Court’s Response to the Motion. The court shall conduct a hearing or grant or deny the motion after giving consideration to the following factors:

- (1) the type of offense;
- (2) the individual’s age, history of employment, history of academic or vocational training, delinquent or criminal activity, and drug or alcohol issues;
- (3) adverse consequences that the individual may suffer if the records are not expunged; and
- (4) whether retention of the record is required for purposes of public safety.

[F.](f) Inter-County Transfer Cases.

(1) A motion to expunge or destroy records shall be filed in the county in which the adjudication of delinquency was entered.

(2) A motion regarding the records of a juvenile whose disposition did not involve an adjudication of delinquency shall be filed in the county in which the disposition occurred.

(3) The court entering an order to expunge or destroy records shall direct the order to any other court possessing records pertaining to the case.

Comment: [Paragraph (A) provides that a motion to expunge or destroy records, files, fingerprints, or photographs, or the court, sua sponte, may commence expungement proceedings.] The juvenile or the juvenile probation office may initiate an expungement proceeding in accordance with this rule.

Under [paragraphs (A)(1) & (2)] subdivisions (a)(1)-(a)(2), the written allegation or petition may be dismissed for several reasons, including, but not limited to, when: 1) a juvenile completes an informal adjustment or diversionary program; 2) the attorney for the Commonwealth declines to prosecute; 3) probable cause is not found at the detention hearing pursuant to Rule 242(C) (1); 4) there is no finding on the offenses pursuant to Rule 408(B); or 5) there is no finding of a need for treatment, supervision, and rehabilitation pursuant to Rule 409(A)(1). Expungement proceedings may be commenced upon these dismissals of the written allegation or the petition.

For expungement of summary offenses heard by a magisterial district court or criminal court, see Pa.R.Crim.P. 490 and 490.1 (truancy). For eligibility for expungement, see 18 Pa.C.S. § 9123(a); 24 P.S. § 13-1333.3(h) (truancy).

For the information required by subdivision (b), see Pa.R.J.C.P. 161(e) (requesting expungement information from the juvenile probation office).

Under [paragraph (B)(6)] subdivision (b)(6), any number assigned to police papers helpful in tracking the police report or written allegation that would assist the law enforcement agency in expunging or destroying the document is to be listed. A reference number could be a juvenile offense tracking number, district control number, crime control number, incident number, Philadelphia identification number, or another number assigned by the law enforcement agency to track the document.

Pursuant to [paragraph (B)(9)] subdivision (b)(9), the reasons for expunging the records or destroying fingerprints and photographs are to be included in the motion, specifically citing which provision of [paragraph (A)] subdivision (a) applies.

“Expunge” or “expungement” is defined by Rule 120, which means to erase legally, or the process of legal erasure of an item making it permanently not available to the public but where some information may be retained only for limited purposes by agencies or departments. See [Rule 173. See also Comment to Rule 120] Pa.R.J.C.P. 173; Pa.R.J.C.P. 120, cmt.

Rule 173 provides for the retention of certain information that is crucial for: 1) determining compliance with the order to expunge; 2) determining eligibility in a court program, determining the grading or penalty of an offense, or for other purposes as provided by law; 3) maintaining statistical and research information; 4) maintaining intelligence and investigative information; and 5) financial audits.

Pursuant to [paragraph (D)] subdivision (d), the attorney for the Commonwealth is given an opportunity to respond to the motion. The attorney for the Commonwealth should specify its position on whether items should be expunged or destroyed. Expunged items remain available to law enforcement agencies and the attorney for the Commonwealth in limited circumstances, whereas destroyed items are permanently erased. The attorney for the Commonwealth should consent to expunging records unless the attorney for the Commonwealth demonstrates good cause for the retention of records. See *In re A.B.*, 987 A.2d 769 (Pa. Super. 2009).

The reasons for maintaining information pursuant to Rule 173 do not qualify as good cause against expunging records under this rule. Maintenance of specific information is different

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from the maintenance of the official court record or other official records of the juvenile probation office or a law enforcement agency. Pursuant to Rule 173, a separate document, file, or database is to be created. See [Rule 173 and its Comment] Pa.R.J.C.P. 173.

If the attorney for the Commonwealth objects to expunging or destroying the records, the court should conduct a hearing on the motion.

Pursuant to [paragraph (E)(3)] subdivision (e)(3), the court is to consider adverse consequences that an individual may suffer if the records are not expunged. Adverse consequences are discussed in The Pennsylvania Collateral Consequences Checklist instituted by Pennsylvania Juvenile Indigent Defense Action Network in conjunction with the initiative the Models for Change System Reform in Juvenile Justice. This checklist may be accessed website at on the Supreme Court's <https://www.pacourts.us/courts/supreme-court/committees/rules-committees/juvenile-court-procedural-rules-committee/juvenile-court-committee-rules-and-forms>.

The attorney for the Commonwealth in the county in which a motion is filed in an inter-county transfer case pursuant to [paragraph (F)] subdivision (f) should provide notice of the motion to, and communicate with, the attorney for the Commonwealth and the juvenile probation office in the county to which, or from which, the case was transferred.

Notwithstanding this rule, [see] see 18 Pa.C.S. § 9123(a. 1) for cases that are ineligible for expungement proceedings. [See also] See also 42 Pa.C.S. § 6341 for destruction of fingerprints and photographs.

[Official Note: Rule 170 adopted April 1, 2005, effective October 1, 2005. Amended July 28, 2014, effective September 29, 2014. Amended February 12, 2015, effective immediately. Amended March 1, 2019, effective July 1, 2019.]

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 170 published with the Court's Order at 35 Pa.B. 2214 (April 16, 2005). Final Report explaining the amendments to

Rule 170 published with the Court's Order at 44 Pa.B. 5447 (August 16, 2014). Final Report explaining the amendments to Rule 170 published with the Court's Order at 49 Pa.B. 1142 (March 16, 2019).]

Rule 172. Order to Expunge or Destroy.

[A.](a) Contents. Any order to expunge or destroy the official court record, juvenile probation files, docket entries, law enforcement records, or fingerprints and photographs shall include the following information:

(1) all items contained in Rule [170(B)] 170(b);

(2) a directive specifically identifying which items shall be expunged or destroyed, including all law enforcement records, juvenile probation files, official court records, other juvenile records, fingerprints, photographs, and any other information pertaining to the arrest;

(3) a directive that the keeper of the juvenile records shall expunge or destroy such items;

(4) a directive that each [agency, department, or office] recordkeeper [upon request,] shall notify the court or its designee, within 30 days of service of the order and in writing, of the action taken in response to the order to expunge or destroy;

(5) a directive to a school building principal or his or her designee to destroy information received from the court pursuant to Rule 163 and to comply with the notice requirement of subdivision (a)(4);

(6) the printed name and signature of the judge issuing the order; and

(7) the date of the court order.

[B.](b) Service. In addition to the service required by Rule 167, the clerk of courts, court administrator, or other court designee shall serve certified copies of the order on the chief juvenile probation officer, the Pennsylvania State Police, the Juvenile Court Judges' Commission, and any other person or agency as directed by the court.

Comment: Pursuant to [paragraph (A)(2)] subdivision (a)(2), the court is to list specifically which items are to be expunged and which items are to be destroyed. Specific information retained pursuant to Rule 173 should be expunged but not destroyed. In most instances, the court should order that the fingerprints and photographs be destroyed and that the remaining records and documents be expunged.

Pursuant to [paragraph (A)(4)] subdivision (a)(4), an agency, department, school, or office [may be requested] is required to produce evidence of compliance with the court order to expunge or to explain why compliance cannot be made. The court's designee to receive written notice under this subdivision can be the juvenile probation office. Non-compliance may result in a finding of contempt of court.

Pursuant to [paragraph (A)(5)] subdivision (a)(5), the school is to destroy all information received from the court. Because the school is required to store this information separately under Rule 163(F), destruction should not be difficult. See [Rule 163 and its Comment] Pa.R.J.C.P. 163. [The court may also require the school to provide written notice of the action taken.]

[Official Note: Rule 172 adopted April 1, 2005, effective October 1, 2005. Amended December 24, 2009, effective immediately. Amended July 28, 2014, effective September 29, 2014. Amended March 1, 2019, effective July 1, 2019.]

Committee Explanatory Reports:

Final Report explaining the amendments to Rule 172 published with the Court's Order at 40 Pa.B. 222 (January 9, 2010). Final Report explaining the amendments to Rule 172 published with the Court's Order at 44 Pa.B. 5447 (August 16, 2014). Final Report explaining the amendments to Rule 172 published with the Court's Order at 49 Pa.B. _ (_____, 2019).]

FIRST JUDICIAL DISTRICT OF PENNSYLVANIA COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY

No. 5 of 2024

President Judge Administrative Order

In re: ELECTION DAY JUDICIAL ASSIGNMENTS
2024 Primary Election - Tuesday, April 23, 2024

ORDER

AND NOW, this 28th day of March, 2024, the following Election Court assignments are made, which shall supersede other assignments during the scheduled Election Court hours only.

I. PETITIONS TO WITHDRAW.

Any Petition filed after February 28, 2024, by or on behalf of a candidate for leave to

withdraw the candidate's name for nomination shall be filed with the Office of Judicial Records and shall be assigned to President Judge Nina Wright-Padilla or her nominee.

II. CENTRAL ELECTION COURT - COURTROOM - STOUT CENTER

Courtroom 1107 Juanita Kidd Stout Center for Criminal Justice, 1301 Filbert Street, Philadelphia, PA will be the central location for all records of the Registration Division, Board of Elections and the Office of Judicial Records (formerly "Prothonotary") on April 23, 2024. Central Election Court will convene at 7:00 AM and will remain open continuously until 10:00 PM (Phone: 215-683-7442).

Judges assigned to the Central Election Court will have jurisdiction over all election matters, and shall, as provided in 25 P.S. § 3046:

act as a committing magistrate for any violation of the election laws;
settle summarily controversies that may arise with respect to the conduct of the election;
issue process, if necessary, to enforce and secure compliance with the election laws;
decide such other matters pertaining to the election as may be necessary to carry out the intent of the Election Code; and

when an individual is seeking a judicial order to vote, inform the individual of the provisional ballot process set forth in 25 P.S. § 3050. Section 3050 provides, inter alia

- an individual who claims to be properly registered and eligible to vote at the election district but whose name does not appear on the district register and whose registration cannot be determined by the inspectors of election, or the county election board shall be permitted to cast a provisional ballot.

- Prior to voting the provisional ballot, the elector shall be required to execute an affidavit which must be signed by the voter, the Judge of Election and minority inspector.

- After the provisional ballot has been cast, the individual shall place it in a secrecy envelope. The individual shall place the secrecy envelope in the provisional ballot envelope and shall place his signature on the front of the provisional ballot envelope.

III. THE FOLLOWING JUDGES ARE ASSIGNED:

	Judge	Courtroom
7 AM to 2:30 PM	Honorable Roxanne Covington	1107 Stout Center
2:30 PM to 10 PM	Honorable Craig Levin	1107 Stout Center

STANDBY ASSIGNMENTS

Should the designated Judge be unavailable, the President Judge will designate an alternative Judge to preside in Central Election Court.

ELECTION BOARD PETITIONS

Petitions to Fill Vacancies in Election Boards (judge of election, majority inspector, minority inspector) must be electronically filed no later than 3:00 p.m. on Wednesday, April 10, 2024 through the Court's electronic filing website at: www.courts.phila.gov pursuant to Pa.R.C.P. No. 205.4 and Philadelphia Civil Rule *205.4. Assistance with electronic filing shall be provided through the Office of Judicial Records (formerly "Prothonotary") by Appointment, which may be scheduled by calling (215) 686-4251, or by emailing OJR_Civil@courts.phila.gov.

The Petitioner shall serve the City Commissioners and the Democratic/Republican City Committees, as applicable, as provided in the Order to Show Cause.

Hearings on the Petitions to Fill Vacancies in Election Boards will be held in Courtroom 653 City Hall on Wednesday, April 10, 2024, at 10:00 a.m., President Nina Wright-Padilla or her designee presiding. Unless terminated earlier as provided by law, the term of office of any person appointed to fill a vacancy in the Election Board shall continue for the remainder of the vacancy.

*This Election Schedule is available on the First Judicial District Website at: <http://www.courts.phila.gov>.

BY THE COURT:

/s/ Nina Wright Padilla

Nina Wright Padilla, President Judge
Court of Common Pleas

FIRST JUDICIAL DISTRICT OF PENNSYLVANIA COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY

No. 4 of 2024

President Judge General Court Regulation

In re: Adoption of Philadelphia Court of Common Pleas Civil Rules *4002.1, and *4003.8

ORDER

AND NOW, this 23rd day of February, 2024, the Board of Judges of Philadelphia County having voted at the Board of Judges' meeting held on February 15, 2024, to adopt Philadelphia Court of Common Pleas Civil Rules *4002.1, and *4003.8 as attached to this Order, and, as required by Pa.R.J.A. 103, the Supreme Court Civil Procedural Rules Committee has reviewed the attached local rules, has determined that Rules *4002.1, and *4003.8 are not inconsistent with applicable statewide rules, and has authorized their promulgation.

NOW, therefore, it is hereby ORDERED and DECREED that Philadelphia Court of Common Pleas Civil Rules *4002.1, and *4003.8 are adopted, as attached, effective thirty days after publication in the Pennsylvania Bulletin.

As required by Pa.R.J.A. 103(d), the local rule which follows this Order was submitted to the Supreme Court of Pennsylvania Civil Procedural Rules Committee for review, and written notification has been received from the Rules Committee certifying that the local rule is not inconsistent with any general rule of the Supreme Court. This Order and the attached local rule shall be filed with the Office of Judicial Records (formerly the Prothonotary, Clerk of Courts and

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Clerk of Quarter Sessions) in a docket maintained for Administrative Orders issued by the First Judicial District of Pennsylvania. As required by Pa.R.J.A. 103(d)(5)(ii), two certified copies of this Administrative Order and the attached local rule, as well as one copy of the Administrative Order and local rule shall be distributed to the Legislative Reference Bureau on a computer diskette for publication in the Pennsylvania Bulletin. As required by Pa.R.J.A. 103(d)(6) one certified copy of this Administrative Order and local rule shall be filed with the Administrative Office of Pennsylvania Courts, shall be published on the website of the First Judicial District at <http://courts.phila.gov>, and shall be incorporated in the compiled set of local rules no later than 30 days following publication in the Pennsylvania Bulletin. Copies of the Administrative Order and local rules shall also be published in The Legal Intelligencer and will be submitted to American Lawyer Media, Jenkins Memorial Law Library, and the Law Library for the First Judicial District.

BY THE COURT:
HONORABLE NINA WRIGHT-PADILLA
President Judge, Court of Common Pleas

Philadelphia County the Pennsylvania Bulletin. Copies of the Administrative Rule *4002.1. **Deposition Procedure in Mass Tort Cases.**

All plaintiffs in cases assigned to the Mass Tort Program shall be made available for deposition in Philadelphia unless otherwise agreed by all parties or upon motion and for good cause shown. **Note:** See also General Court Regulation No. 2024-04. Effective April 8, 2024.

PROPOSED PHILADELPHIA CIVIL RULE *4003.8. PRE-COMPLAINT DISCOVERY

Rule *4003.8. Pre-Complaint Discovery. As authorized by Pa.R.C.P. Nos. 4003.8, a request for pre-complaint discovery, or an objection thereto, whether in the nature of discovery for preparation of pleadings (see Pa.R.C.P. No. 4001 (c)), or in the nature of written interrogatories and depositions for the purpose of preparing a complaint (see Pa.R.C.P. Nos. 4005 (a) and 4007.1 (c)) must comply with all requirements of Discovery Motions as set forth in Phila.Civ.R. *208.3(a)(4).

Explanatory Note: Pa.R.C.P. No. 4003.8 authorizes pre-complaint discovery. In order to create a full record, requests for pre-complaint discovery as well as objections to pre-complaint discovery commenced without court approval shall be drafted and assigned for disposition pursuant to Phila.Civ.R. *208.3(a)(4), the local rule which governs discovery motions. This ensures uniformity in that requests for pre-complaint discovery, motions for protective orders and other pre-judgment discovery motions are assigned to discovery court.

Note: Adopted by the Board of Judges of the Court of Common Pleas on May 15, 2008, amended on April 8, 2024.

SUPREME COURT OF PENNSYLVANIA CRIMINAL PROCEDURAL RULES COMMITTEE

NOTICE OF PROPOSED RULEMAKING

Proposed Amendment of Pa.R.Crim.P. 403, 407, 408, 409, 411, 412, 413, 414, 422, 423, 424, 454, 462, 470, 702, 704, 705.1, 706, 1002, and 1030, adoption of Pa.R.Crim.P. 454.1, 456.1, 456.2, 702.1, 705.2, and 706.1, and rescission and replacement of Pa.R.Crim.P. 456

The Criminal Procedural Rules Committee is considering proposing to the Supreme Court of Pennsylvania the proposed amendment of Pa.R.Crim.P. 403 (Contents of Citation), 407 (Pleas in Response to Citation), 408 (Not Guilty Pleas – Notice of Trial), 409 (Guilty Pleas), 411 (Procedures Following Filing of Citation – Issuance of Summons), 412 (Pleas in Response to Summons), 413 (Not Guilty Pleas – Notice of Trial), 414 (Guilty Pleas), 422 (Pleas in Response to Summons), 423 (Not Guilty Pleas – Notice of Trial), 424 (Guilty Pleas), 454 (Trial in Summary Cases), 462 (Trial De Novo), 470 (Procedures Related to License Suspension After Failure to Respond to Citation or Summons or Failure to Pay Fine and Costs), 702 (Aids in Imposing Sentence), 704 (Procedure at Time of Sentencing), 705.1 (Restitution), 706 (Fines or Costs), 1002 (Procedure in Summary Cases), and 1030 (Scope of Summary Municipal Court Traffic Division Rules), adoption of Pa.R.Crim.P. 454.1 (Sentencing in Summary Cases), 456.1 (Ability to Pay Determination), 456.2 (Commonwealth Request for Ability to Pay Hearing), 702.1 (Ability to Pay Determination), 705.2 (Fines – Sentencing), and 706.1 (Commonwealth Request for Ability to Pay Hearing), and rescission and replacement of Pa.R.Crim.P. 456 (Default Procedures: Restitution, Fines, and Costs) for the reasons set forth in the accompanying publication report. Pursuant to Pa.R.J.A. 103(a)(1), the proposal is being published in the Pennsylvania Bulletin for comments, suggestions, or objections prior to submission to the Supreme Court.

Any report accompanying this proposal was prepared by the Committee to indicate the rationale for the proposed rulemaking. It will neither constitute a part of the rules nor be adopted by the Supreme Court.

Additions to the text of the proposal are bolded and underlined; deletions to the text are bolded and bracketed.

The Committee invites all interested persons to submit comments, suggestions, or objections in writing to:

**Joshua M. Yohe, Counsel Criminal
Procedural Rules Committee
Supreme Court of Pennsylvania**

**Pennsylvania Judicial Center
PO Box 62635
Harrisburg, PA 17106-2635**

FAX: (717) 231-9521 criminalrules@pacourts.us

All communications in reference to the proposal should be received by **April 24, 2024**. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

By the Criminal Procedural Rules Committee,
Stefanie J. Salavantis
Chair

IN THE SUPREME COURT OF PENNSYLVANIA

IN RE:	NO. 243
AMENDMENT OF RULE 8.4 OF THE	
PENNSYLVANIA RULES OF	DISCIPLINARY
PROFESSIONAL CONDUCT:	RULES DOCKET

ORDER

PER CURIAM

AND NOW, this 3rd day of April, 2024, upon the recommendation of the Disciplinary Board of the Supreme Court of Pennsylvania, having been published for comment in the Pennsylvania Bulletin, 52 Pa.B. 6357 (October 8, 2022):

IT IS ORDERED pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 8.4 of the Rules of Professional Conduct is amended in the attached form.

This ORDER shall be processed in accordance with Pa.R.J.A. No. 103(b) and shall be effective in 30 days.

Additions to the rules are in bold and are underlined.
Deletions from the rules are shown in bold and brackets.

PENNSYLVANIA RULES OF PROFESSIONAL CONDUCT

Rule 8.4 Misconduct

It is professional misconduct for a lawyer to:

(c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation, **except that a lawyer may advise, direct, or supervise others, including clients, law enforcement officers, and investigators, who participate in lawful investigative activities;**

Comment:

[2] Notwithstanding the general restriction against engaging in deceit, this Rule does not prohibit a lawyer from advising or supervising another who engages in an otherwise lawful and ethical undercover investigation, in which the investigator does not disclose his or her true identity and motivation, regardless of the nature of the matter or substantive area of law involved. This Rule does not change the scope of a lawyer's obligations under Rule 4.2 and thus a lawyer must take reasonable measures so that the investigator does not communicate with a represented party in violation of Rule 4.2, does not seek to elicit privileged information, and otherwise acts in compliance with these Rules, court orders, and civil and criminal law.

[[3]] [3] Many kinds of illegal conduct reflect adversely on fitness to practice law, such as offenses involving fraud and the offense of willful failure to file an income tax return. However, some kinds of offenses carry no such implication. Traditionally, the distinction was drawn in terms of offenses involving "moral turpitude." That concept can be construed to include offenses concerning some matters of personal morality, such as adultery and comparable offenses that have no specific connection to fitness for the practice of law. Although a lawyer is personally answerable to the entire criminal law, a lawyer should be professionally answerable only for offenses that indicate lack of those characteristics relevant to law practice. Offenses involving violence, dishonesty, breach of trust, or serious interference with the administration of justice are in that category. A pattern of repeated offenses, even ones of minor significance when considered separately, can indicate indifference to legal obligation.

[[4]] [4] For the purposes of paragraph (g), conduct in the practice of law includes (i) interacting with witnesses, coworkers, court personnel, lawyers, or others, while appearing in proceedings before a tribunal or in connection with the representation of a client; (ii) operating or managing a law firm or law practice; or (iii) participation in judicial boards, conferences, or committees; continuing legal education seminars; bench bar conferences; and bar association activities where legal education credits are offered. The term "the practice of law" does not include speeches, communications, debates, presentations, or publications given or published outside the contexts described in (i)-(iii).

[[4]] [5] "Harassment" means conduct that is intended to intimidate, denigrate or show hostility or aversion toward a person on any of the bases listed in paragraph (g). "Harassment" includes sexual harassment, which includes but is not limited to sexual advances, requests for sexual favors, and other conduct of a sexual nature that is unwelcome.

[[5]] [6] "Discrimination" means conduct that a lawyer knows manifests an intention: to treat a person as inferior based on one or more of the characteristics listed in paragraph (g); to disregard relevant considerations of individual characteristics or merit because of one or more of the listed characteristics; or to cause or attempt to cause interference with the fair administration of justice based on one or more of the listed characteristics.

[[6]] [7] A lawyer may refuse to comply with an obligation imposed by law upon a good faith belief that no valid obligation exists. The provisions of Rule 1.2(d) concerning a good faith challenge to the validity, scope, meaning or application of the law apply to challenges of legal regulation of the practice of law.

[[7]] [8] Lawyers holding public office assume legal responsibilities going beyond those of other citizens. A lawyer's abuse of public office can suggest an inability to fulfill the professional role of lawyers. The same is true of abuse of positions of private trust such as trustee, executor, administrator, guardian, agent and officer, director or manager of a corporation or other organization

**IN THE COURT OF COMMON PLEAS
OF DELAWARE COUNTY, PENNSYLVANIA
IN RE: CUSTODY OF EXHIBITS
No.: CV-2022-3777**

Administrative Order

22nd day of March, 2024, it is hereby **ORDERED** and **DECREED** that Delaware County Local Rule of Civil Procedure 223.1 is hereby **RECSINDED** and **SUBSTITUTED** with Local Rules of Judicial Administration 5103, 5104, and 5105 as set forth below.

The Solicitor for Internal Management is hereby **ORDERED** to:

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1. Distribute one copy of each Rule to the Administrative Office of Pennsylvania Courts via email at adminrules@pa.courts.us.

2. Distribute two paper copies of the local Rules to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. Distribute one copy of each of the local Rules to the Legislative Reference Bureau via email at bulletin@palrb.us in a Microsoft Word format.

4. Publish the local Rules on the Delaware County Court's website.

5. Incorporate the local Rules into the set of local Rules on this Court's website within 30 days after the publication of the Rules in the **Pennsylvania Bulletin**.

6. File one copy of each of the local Rules in the following filing offices of Delaware County: Office of Judicial Support, Office of the District Attorney, Juvenile Court, Orphans' Court, Domestic Relations, and Children and Youth Services.

**CERTIFIED A TRUE AND CORRECT
COPY FROM THE RECORD
THIS 22 DAY OF March 2024
A.D.**

**MARY J. WALK, ESQUIRE, DIRECTOR OFFICE
OFFICE OF JUDICIAL SUPPORT**

**BY THE COURT:
Linda D. Carteraso
President Judge**

Rule 5103 Custody of Exhibits. General Provisions.

(A) Court Proceedings before Common Pleas Court.

(1) A "custodian" will either be a member of court staff, *e.g.*, court reporter, Judicial Support Information Officer, Office of Judicial Support (hereinafter "OJS"), Court Information Officer, District Attorney Evidence Custodian, Domestic Relations Court Unit, the Register of Wills/Orphans' Court, or the proponent of the exhibit. *See* Pa.R.J.A. 5101(a)(2) (definition of custodian). When the proponent is designated as the custodian, the proponent will fulfill all the responsibilities of a custodian in accordance with Pa.R.J.A. 5102.

(2) A local court security committee shall make recommendations to the President Judge on protocols, policies, and procedures that should be implemented to protect the public, court personnel, and court facilities in the event of an emergency as deemed necessary. *See* Pa.R.J.A. 1954 (Court Security).

(3) The appropriate entity, as designated below, shall be the custodian of all documentary exhibits and photographs of non-documentary exhibits accepted or rejected during and after court proceedings.

(B) Custody of Documents before and after Common Pleas Court Proceedings.

(1) Civil and Criminal Proceedings before the Court of Common Pleas.

(a) Unless directed otherwise herein, the Judicial Support Information Officer on behalf of OJS shall:

(i) retain or take custody of all documentary exhibits, photographs, and photographs of non-documentary exhibits accepted or rejected during the court proceedings.

(ii) formally designate all documentary exhibits, photographs, and photographs of non-documentary exhibits with the Office of Judicial Support Public Access System within five (5) business days of the conclusion of the court proceedings; and

(iii) secure and maintain all other non-documentary exhibits as directed by the Court or agreed to by the parties.

(b) Unless directed otherwise herein, OJS shall be designated as the custodian of all documentary exhibits and photographs of non-documentary exhibits after court proceedings have concluded.

(2) Civil Arbitration Proceedings.

(a) In Civil Arbitration proceedings, neither OJS nor the arbitrators are required to retain any exhibits. The documentary and non-documentary exhibits shall not be a matter of record.

(3) Juvenile Criminal Matters before a Hearing Officer or Judge.

(a) If an exhibit is admitted into evidence, the Hearing Officer or Judge, in conjunction with the Juvenile Court Information Officer, shall file the documents in an envelope marked with the appropriate case ID. The envelope shall be placed in the Juvenile Court file.

(b) The Hearing Officer or Judge, in conjunction with the Juvenile Court Information Officer, shall retain all documentary exhibits, photographs, and photographs of non-documentary exhibits accepted or rejected during the court proceedings, such shall be a matter of record.

(c) The Juvenile Court Information Office shall act as the custodian of all documentary and non-documentary exhibits unless otherwise directed herein.

(4) Domestic Relations Proceedings before a Judge.

(a) During Domestic Relations proceedings before a Judge, the Domestic Relations Court Unit shall be the custodian of the documentary exhibits, and such shall be a matter of record.

(b) In Domestic Relations proceedings before a Judge, the Domestic Relations Court Unit shall retain all documentary exhibits, photographs, and photographs of non-documentary exhibits accepted or rejected during the court proceedings unless otherwise directed herein.

(c) In Domestic Relations proceedings before a Judge, the Domestic Relations Court Unit, shall prepare the Index of Exhibits and file the Index of Exhibits within the court file.

(d) After Domestic Relations proceedings before a Judge, the Domestic Relations Court Unit shall secure and maintain all exhibits and shall act as the custodian of records.

(e) The Domestic Relations Court Unit shall comply with any and all requirements of the PACSES systems.

(5) Proceedings before Divorce/Custody/Support/Mental Health Hearing Officers.

(a) In proceedings before the Divorce/Custody/Support/Mental Health Hearing Officer, neither OJS nor the Hearing Officer are required to retain any exhibits. The documentary and non-documentary exhibits shall not be a matter of record.

(6) Proceedings before Orphans' Court.

(a) During proceedings before the Orphans' Court, the Register of Wills, in conjunction with the Judicial Support Information Officer on behalf of OJS, shall be the custodian of the documentary exhibits, and such shall be a matter of record.

(b) In proceedings before the Orphans' Court, the Register of Wills, in conjunction with the Judicial Support Information Officer on behalf of OJS, shall retain all documentary exhibits, photographs, and photographs of non-documentary exhibits accepted or rejected during the court proceedings unless otherwise directed herein.

(c) In proceedings before the Orphans' Court, the Judicial Support Information Officer on behalf of OJS shall prepare the Index of Exhibits and file the Index of Exhibits with the exhibits in the Register of Wills File.

(d) After proceedings before the Orphans' Court, the Register of Wills shall secure and maintain all exhibits and shall act as the custodian of records.

(e) After proceedings before the Orphans' Court relating to Termination of Parental Rights, OJS shall secure and maintain all exhibits and shall act as the custodian of records.

(7) Children and Youth Services ("CYS")/Dependency Proceedings before a Hearing Officer or a Judge

(a) In proceedings involving CYS or Dependency before a Hearing Officer or a Judge, the Judicial Support Information Officer on behalf of OJS shall maintain all exhibits and records.

Rule 5104 Custody of Exhibits. Special Provisions.

(a) Any custodian accepting exhibits shall maintain the Index of Exhibits during court proceedings. Such custodian shall use the form supplied by Court Administration which shall be in the following format:

Index of Exhibits

Exhibit Number/Description/Title Proponent Admitted Rejected

Sealed by Court

Confidential Information Sheet (If required)

(b) If statutorily required, the proponent shall include a Confidential Information Form or Confidential Document Form for any exhibit offered into evidence that contains confidential information or confidential documents as defined in the Case Records Public Access Policy of the Unified Judicial System of Pennsylvania. These forms shall be given by the proponent to the applicable custodian at the time the evidence is introduced and maintained by the custodian in the file.

(c) Documentary Exhibits: Generally

(1) If a document is larger than 8-1/2 x 11 inches, the Judicial Support Information Officer on behalf of the Office of Judicial Support (hereinafter "OJS") shall be provided with a copy of the same sized 8-1/2 x 11 inches. Items larger than 8-1/2 x 11 may be used for illustration during the court proceedings.

(2) Media depositions presented at trial shall remain in the proponent's possession. The proponent shall simultaneously submit a transcript of the deposition as an exhibit in the form of a zip drive, flash drive, or compacted disc.

(3) Any digital exhibit that cannot be printed (*i.e.*, audio or video recording) shall be entered into the record in OJS public access system, flash drive, or other format if expressly approved by the court. If one party has multiple digital exhibits, they may be submitted together on one USB flash drive.

(d) Non-documentary Exhibits: Generally

(1) If the exhibit is bulky, oversized, or contains contraband including but not limited to controlled substances, narcotics, or weapons, either OJS, the District Attorney Evidence Custodian, Court Information Office for Juvenile matters, Orphans' Court and Domestic Relations Unit, or the proponent shall retain custody of the exhibit as directed by the Court.

(2) If any Exhibits are weapons, narcotics, controlled substances, or other contraband, it shall be placed in the evidence room where the District Attorney Evidence Custodian signs an evidence log form acknowledging receipt of same. Thereafter, the form shall remain in the file.

(3) Bulky, oversized Exhibits that do not require the services of the District Attorney Evidence Custodian shall be retained by the Judicial Support Information Officer on behalf of OJS, or Court Information Office for Juvenile matters. Thereafter, such evidence shall be identified on an evidence log form and placed in the file.

Rule 5105 Confidentiality. Exhibits Under Seal.

(a) The Proponent of an exhibit containing confidential information or confidential documents, as defined in the Case Records Access Policy of the Unified Judicial System of Pennsylvania (Policy), shall include a confidential document form, prepared in compliance with the Policy, so the exhibit may be sealed by the Records Office.

(b) Exhibits sealed by the Court during the Court proceedings shall not be accessible by the public.

(c) The Custodian or Records/filing Office, as may be applicable, shall maintain all non-documentary evidence

(1) in a Civil, Orphans' Court or Domestic Relations matter until the later of the expiration of the appeal period from the final disposition of the case, as otherwise required by any applicable retention schedule, law, rule, regulation or policy, or as directed by the Court;

(2) in Criminal and Juvenile Court proceedings until the later of the expiration of any applicable retention schedule, law, rule, regulation or policy, or as otherwise directed by the Court.

Effective Date: This Rule shall be effective April 1, 2024.

TheLegalIntelligencer.com

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PUBLIC NOTICES

The Legal Intelligencer

Jennifer McCullough ■ 215.557.2321 ■ jmccullough@alm.com

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ESTATE NOTICES

NOTICE TO COUNSEL
Your attention is directed to Section 3162 of the Probate, Estates and Fiduciaries Code of June 30, 1972 (Act No. 164) which requires advertisement of grant of letters to contain the name and address of the personal representatives.

ORPHANS' COURT OF PHILADELPHIA COUNTY

Letters have been granted on the Estate of each of the following decedents to the representatives named, who request all persons having claims against the Estate to present them in writing and all persons indebted to the Estate to make payment to them (unless otherwise noted all addresses being in Philadelphia)

CARUSO, ANTHONY J. -- Kenneth Mace, Jr., Administrator, c/o Schoffstall Elder Law, 2987 Corporate Court, Suite 200, Orefield, PA 18069; Sally L. Schoffstall, Atty., 2987 Corporate Court, Suite 200, Orefield, PA 18069.

4-23-3*

DiGENIO, CARMEN J. -- Carmen DiGenio, Administrator, c/o Paul J. Perpiglia, Esq., 1332 Jackson St., Philadelphia, PA 19148; Paul J. Perpiglia, Atty., Perpiglia & Assocs., PC, 1332 Jackson St., Philadelphia, PA 19148.

4-30-3*

FREELY, PATRICIA N. -- Sheena Sims, Administratrix, c/o John R. Lundy, Esq., 450 N. Narberth Ave., Suite 200, Narberth, PA 19072; John R. Lundy, Atty., Lundy Beldecos & Milby, PC, 450 N. Narberth Ave., Suite 200, Narberth, PA 19072.

4-30-3*

KING, MARIE L. -- Margaret Mary King, Executrix, c/o 807 Bethlehem Pike, Erdenheim, PA 19038; Bernard J. McLafferty, Jr., Atty., 807 Bethlehem Pike, Erdenheim, PA 19038.

4-23-3*

KOTS, SUSAN E. -- Christine O'Connell, Executrix, 60 Redwood Drive, Richboro, PA 18954.

4-23-3*

SZAKACS-CICCARONE, CLAIRE J. -- Frank Ciccarone, Executor, 3216 Dovecote Dr., Quakertown, PA 18951.

4-23-3*

SZAKACS, ERWIN P. -- Frank Ciccarone, Executor, 3216 Dovecote Dr., Quakertown, PA 18951.

4-23-3*

TASCH, ALISON IRVING (a/k/a ALISON TASCH a/ka ALISON I. TASCH) -- Katharine Tasch, Executrix, c/o Hope Bosniak, Esq., 600 Easton Rd., Willow Grove, PA 19090; Hope Bosniak, Atty., Dessen, Moses & Rossitto, 600 Easton Rd., Willow Grove, PA 19090.

4-30-3*

VAN WINKLE, DONALD LEE -- Jameson McDonnell, Executor, 809 McClellan St., Philadelphia, PA 19148.

4-30-3*

WHITE, SHEENA CHARMAINE -- William A. Love, Administrator, c/o Robert W. Hershman, Jr., Esquire, 6 East Hinckley Ave., 1st Floor, Ridley Park, PA 19078; Robert W. Hershman, Jr., Atty., 6 East Hinckley Ave., 1st Floor, Ridley Park, PA 19078.

4-23-3*

WILLIAMS, ROBERT -- Sharon Williams, Administratrix, 5854 Addison Street, Philadelphia, PA 19143; Michael Wolinsky, Attorney, 1015 Chestnut Street, Suite 414, Philadelphia, PA 19107.

4-16-3*

COMPLAINTS

Michael Clark, Esq. (202929)
FRIEDMAN VARTOLO LLP
1325 Franklin Avenue, Suite 160
Garden City, NY 11530
T: (212) 471-5100
F: (212) 471-5150
Attorneys for Plaintiff
Firm Case No.: 203360-1

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY, PENNSYLVANIA, NO.: 220102100

PENNSYLVANIA CSMC 2019-RPL1 TRUST, **Plaintiff** vs. AIKEEM BRADSHAW A/K/A AIKEEM LEVAR BRADSHAW, KNOWN HEIR OF WILLIAM BRADSHAW, DECEASED, UNKNOWN HEIRS, SUCCESSORS, ASSIGNS AND ALL PERSONS, FIRMS OR ASSOCIATIONS CLAIMING RIGHT, TITLE, OR INTEREST FROM OR UNDER WILLIAM BRADSHAW, DECEASED, **Defendant(s)**

NOTICE

Dear Unknown Heirs, Successors, Assigns and All Persons, Firms or Associations Claiming Right, Title, or Interest From or Under William Bradshaw, Deceased:

You have been sued in mortgage foreclosure on premises: Unknown Heirs, Successors, Assigns and All Persons, Firms or Associations Claiming Right, Title, or Interest From or Under William Bradshaw, Deceased based on defaults since, March 1, 2020. You owe \$106,944.19 plus interest.

If you wish to defend, you must enter a written appearance personally or by attorney and file your defenses or objections in writing with the court. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you without further notice for the relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO A LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Philadelphia County Lawyer Referral Service
Philadelphia Bar Association
1101 Market, 11th Floor
Philadelphia, PA 19107
215-238-6333

Dated: April 25, 2024

FRIEDMAN VARTOLO LLP
A Limited Liability Partnership formed in the State of New York
Attorneys for Plaintiff
S/ Michael J. Clark
Michael Clark, Esq. (202929)

4-30-1*

FICTITIOUS NAMES

An application for registration of the fictitious name **PONTECORVO MATJON TRUST**, 1101 Market St., Ste. 2700, Philadelphia, PA 19107, was filed in the Department of State at Harrisburg, PA, April 17, 2024, pursuant to the Fictitious Names Act, Act 1982-295. The name and address of the person who is a party to the registration is Samantha F. Green, 1101 Market St., Ste. 2700, Philadelphia, PA 19107.
Sidkoff, Pincus & Green
1101 Market Street
Suite 2700, Jefferson Tower
Philadelphia, PA 19107

4-30-1*

Notice is hereby given that a Registration of Fictitious Name was filed in the Department of State of the Commonwealth of Pennsylvania on March 15, 2024, for **FINDPEACE**, with a principal place of business located at 7600 Stenton Ave 8B, Philadelphia, PA 19118 in Philadelphia County. The individual interested in this business is Stephanie Taylor, also located at 7600 Stenton Ave 8B, Philadelphia, PA 19118. This is filed in compliance with 54 Pa.C.S. 311.

4-30-1*

Notice is hereby given that a Registration of Fictitious Name was filed in the Department of State of the Commonwealth of Pennsylvania on March 8, 2024, for **Specter7**, with a principal place of business located at 407 Monroe Street, Philadelphia, PA 19147 in Philadelphia County. The individual interested in this business is Langston Clement, also located at 407 Monroe Street, Philadelphia, PA 19147. This is filed in compliance with 54 Pa.C.S. 311.

4-30-1*

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