

Rule 1. *Title and Citation of Rules*

These rules shall be known as the Lancaster County Rules of Civil Procedure and may be cited as “L.C.R.Civ.P. No. ____.”

Editor’s note: Amended January 23, 2025, effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

Rule 10. *Business Judge*

- A. The District Court Administrator shall designate the daily Business Judge. Motions and petitions, not already assigned to a judge or dealing with matters otherwise covered by these Rules for presentation to the Court, shall be forwarded to the Business Judge by the Prothonotary or may be presented by counsel directly to the Business Judge by appointment.

Editor’s note: Amended, filed for public inspection December 17, 2004, effective 30 days after publication in the *Pennsylvania Bulletin*; amended January 12, 2012, effective 30 days after publication in the *Pennsylvania Bulletin*. Amended January 18, 2017, effective March 20, 2017.

ADMINISTRATIVE APPEALS

Rule 27. *Land Use Appeals*

A. *Appeal Notice*

A land use appeal shall contain:

1. A caption in substantially the following form:

<i>See Forms Index</i>
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2. When applicable, in separately numbered paragraphs and in the following order:
 - a. Name and address of the appellant.
 - b. Name and address of the zoning hearing board, governing body or planning commission (“local agency”) which rendered the decision.
 - c. Name and address of the applicant to the local agency, if the applicant is not the appellant.
 - d. Name and address of the owners, both real and equitable, of any real estate which was the subject of the decision and identification of the real estate.
 - e. The chronology of the matter, including the following as applicable:
 - i. Date of filing application or appeal with zoning officer or other official.
 - ii. Date of action of the zoning officer or other official.
 - iii. Date of appeal from action of zoning officer or other official to local agency or date of filing application with local agency.
 - iv. Dates of all hearings or meetings of the local agency.
 - v. Date of written decision or, if applicable, date of deemed decision from which the appeal has been taken.
 - vi. Date written decision served.
 - f. The purpose for which the application was made.
 - g. The basis for appellant’s standing to file the appeal.
 - h. All specific legal and factual grounds for the appeal.
 - i. Specific request for relief.
3. If a court reporter was present and if a transcript is not already in existence, appellant’s certification that appellant has ordered

a transcript of the proceedings and has made satisfactory arrangements with the court reporter for payment. Upon receipt of the transcript, appellant shall provide the original transcript to the solicitor of the local agency filing the return of the record. If appellant does not include a certification that appellant has ordered the transcript, any other party may file a petition requesting the Court dismiss the appeal.

B. *Intervention*

1. A notice of intervention under Section 1004-A of the Pennsylvania Municipalities Planning Code, 53 P.S. § 11004-A, shall contain:
 - a. The caption and number of the appeal.
 - b. Name and address of intervenor.
 - c. Nature of the interest of intervenor in the appeal.
 - d. Legal and factual circumstances under which intervenor claims a right to intervene.
 - e. Summary of intervenor's position and grounds therefor.
2. Pa.R.Civ.P. Nos. 2326—2350 shall govern all other intervention.

C. *Certiorari*

1. The local agency shall submit its entire record within twenty days after receipt of the writ of certiorari or receipt of the transcript(s), whichever is later, including but not limited to:
 - a. All original papers filed in chronological order, commencing with the application.
 - b. Minutes of meetings of the local agency at which the application was considered.
 - c. The transcript of all hearings. The local agency shall not submit its record to the Prothonotary until appellant has provided the transcript of all hearings if the transcript is not in existence and available to the local agency prior to appellant's filing the appeal.
 - d. The complete ordinance under which the local agency rendered its decision, including maps.
 - e. The findings of fact and conclusions of law of the local agency, if any, and its written decision.
 - f. Names and addresses of all persons the local agency recognized as parties to the proceedings.
2. The chairperson or presiding officer shall certify the submission of the record.

3. The Prothonotary shall give notice of the return of the local agency's record to appellant who shall, within four days after receipt of the notice, notify the local agency, the applicant before the local agency (if appellant was not the applicant), the legal and equitable owner of the land which was the subject of the application and all other persons recognized as parties to the local agency's proceedings. Appellant shall file proof of service.

D. *Disposition*

1. Within ten days after the Prothonotary gives notice of the filing of the complete return of the record, any party who believes the appeal is not ready for disposition may file a motion for a conference and a praecipe requesting that the appeal be forwarded to the assigned judge. The motion for a conference shall state why the party believes that the appeal is not ready for disposition and shall identify all actions that the party requests. At the conference, the Court may, inter alia:
 - a. Require or approve supplementation of the record.
 - b. Fix a time for a de novo hearing before the Court.
 - c. Employ expert(s) to aid the Court to frame an appropriate order.
 - d. Refer the appeal to a referee to receive additional evidence, with directions as to time deadlines and other matters the Court deems appropriate.
 - e. If allowed by law, remand the appeal to the local agency with directions as to time deadlines and other matters, including mediation.
2. After the conference, the Court shall issue an appropriate order addressing the filing of briefs.
3. If no party has filed a request for a conference, and there is no motion pending with the Court, the appellant shall file a brief within forty days after the date the Prothonotary gives notice of the filing of the local agency's complete record. The appellant shall limit the brief to the issues appellant raised in the land use appeal. Each other party shall file a responsive brief within thirty days after service of appellant's brief. The appellant may file a reply brief within ten days after service of the responsive brief. Any party may thereafter file and serve a praecipe stating that the appeal is ready for disposition and requesting the Prothonotary to forward it to the assigned

judge. After the disposition of all pending motions, the Court shall issue an appropriate order addressing the filing of briefs.

4. If appellant fails to file a brief within the time period established by Paragraph D.3 above or by the Court after a conference, any party may file and serve a praecipe stating that the appeal is ready for disposition together with a brief or may petition the Court for dismissal of the appeal. If a party files a praecipe requesting disposition due to the failure of the appellant to file a brief, the Court shall render a decision, without oral argument, on the record before it.
5. Any party may request oral argument when filing its brief. The Court shall hear oral argument at its discretion.
6. An appeal from a decision the local agency renders after a remand shall be filed and docketed to the original caption and number. The party filing such appeal shall be limited to issues arising from the remand. All other requirements of this Rule shall apply to an appeal from a decision after remand.

Editor's note: Amended January 18, 2017, effective March 20, 2017.
Amended January 23, 2025, effective effective thirty (30) days after publication
in the *Pennsylvania Bulletin*.

Rule 28. *Tax Assessment Appeals*

A. *Petition*

Appeals from orders of the Lancaster County Board of Assessment Appeals (Board) shall be by petition and shall contain:

1. A caption in substantially the following form:

<i>See Forms Index</i>

2. Name and address of appellant.
3. Date of filing appeal to Board and amount of assessment originally fixed by the Board.
4. Date of final decision of Board amount of assessment finally fixed by the Board.
5. Reason for appeal.

B. *Service*

Within ten days after filing the petition, the appellant shall, by certified mail, serve copies of the petition on the Board, the county solicitor, the municipality in which the tax parcel is

located, the school district in which the tax parcel is located and the property owner. Within twenty days thereafter, the appellant shall file a proof of service.

C. *Intervention*

Any person or political subdivision required to be served under paragraph B may intervene as a matter of right by filing within forty days after receipt of the petition, a notice of intervention either as an appellant or appellee. After the forty day period, intervention shall be governed by Pa.R.Civ.P. Nos. 2326 through 2350.

D. *Further Proceedings*

Thereafter, the appeal shall proceed pursuant to L.C.R.Civ.P. Nos. 208.3(a) and 208.3(b) or L.C.R.Civ.P. Nos. 212.1 through 212.3.

Editor's note: Amended June 11, 2018, effective thirty (30) days after publication in the *Pennsylvania Bulletin*. Amended January 23, 2025, effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

Rule 29. *Local Agency and Administrative Agency Appeals other than Land Use Appeals*

A. *Appeals Governed by Rule*

This Rule shall apply to all appeals allowed from adjudications under the Local Agency Law, 2 Pa.C.S.A. §501 et. seq., or the Administrative Agency Law, 2 Pa.C.S.A. §101 et. seq., and appeals which may be taken to the court under the Judicial Code, 42 Pa.C.S.A. §933, other than appeals filed under Article X-A of the Pennsylvania Municipalities Planning Code, 53 P. S. §11001-A.

B. *Notice of Appeal*

The notice of appeal shall contain all information required by the statute which authorizes filing of the appeal.

The notice of appeal shall also contain:

1. A caption in substantially the following form:

<i>See Forms Index</i>

2. All relevant information required in Local Rule 27A.2.
3. If a court reporter was present and if a transcript is not already in existence, appellant's certification that appellant has ordered a transcript of the proceedings and has made satisfactory arrangements with the court reporter for payment

if a transcript is not already in existence. Upon receipt of the transcript, appellant shall provide the original transcript to the solicitor of the agency filing the return of the record.

C. *Intervention*

Pa.R.Civ.P. Nos. 2326-2350 shall govern all intervention.

D. *Certiorari*

The agency shall submit its entire record within twenty days after receipt of the writ of certiorari in accordance with the procedure in Local Rule 27C. The prothonotary shall give notice of the return of the agency's record to appellant who shall, within four days after receipt of the notice, notify the agency, the applicant before the agency (if appellant was not the applicant) and all other parties to the local agency's proceedings. Appellant shall file of proof of service.

E. *Disposition*

Disposition of the appeal shall be in accordance with the procedure in Local Rule 27D.

Editor's note: Amended January 23, 2025, effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

Rule 36. *Assigned Judge*

The assigned judge is the judge who has been assigned by the Prothonotary when the action is filed, or who has been assigned by the President Judge for cases filed after April 30, 2016.

Editor's note: Amended, filed for public inspection December 17, 2004, effective 30 days after publication in the *Pennsylvania Bulletin*. Amended February 10, 2016. Effective upon publication on the UJS Web Portal. Amended January 18, 2017, effective March 20, 2017.

Rule 205.2(a). *Physical Characteristics of Legal Papers*

Legal papers submitted to the Prothonotary shall comply with the following requirements:

A. The first page shall set forth:

1. The case caption.
2. The case number.
3. The name of the assigned judge, if applicable.
4. The name, identification number, address and telephone number of the attorney and law firm or pro se party submitting the legal papers.

5. In medical malpractice actions, “MedMal” shall appear beneath the case number.
- B. No manuscript cover or manuscript backing such as a blue back or firm identification strip shall be attached to any legal papers.
- C. Legal papers shall be stapled once in the upper left hand corner. No tape or other material shall cover the staple.
- D. All originals shall be marked “ORIGINAL”. Copies shall be marked “COPY”
- E. Each page shall be numbered at the bottom center of the page. The case number shall appear, in twelve point font or larger, in the upper right hand corner of each page.
- F. Tabs shall be placed at the bottom of all exhibits and appendices.
- G. The name of each person signing a legal paper shall be typed beneath the person’s signature.
- H. Briefs and memoranda shall be filed separately and not appended to other documents.
- I. Verifications shall be dated.
- J. Unless required by an applicable law or rule of court or unless so directed by the Court, parties or their attorneys may include only:
- (1) The last four digits of the social security number of the taxpayer identification number;
 - (2) The year of the individual’s birth;
 - (3) The last four digits of the financial account information in documents filed with the Prothonotary. The responsibility for redacting these personal identifiers rests solely with the parties.

Documents will not be reviewed by the Prothonotary for compliance with the rule.

Editor’s note: Amended November 5, 2011, effective December 5, 2011. Amended February 10, 2016. Effective upon publication on the UJS Web Portal.

Rule 205.2(b). *Cover Sheet*

- A. The initial legal paper filed shall be accompanied by a civil cover sheet in the form provided by the prothonotary.
- B. A request for argument, hearing or arbitration shall be accompanied by a scheduling cover sheet in the form provided by the District Court Administrator.

- C. Civil cover sheets and scheduling cover sheets may also be obtained at www.co.lancaster.pa.us/courts.

See Forms Index

Rule 205.2(c). *Lancaster County Residential Mortgage Foreclosure Diversion Program*
(“Foreclosure Diversion Program”)

- A. All actions filed on or after August 1, 2021, for mortgage foreclosure of residential owner-occupied properties, with four or fewer residential units, which serve as the primary residence of the defendant homeowner, for which the remaining mortgage balance is \$400,000.00 or less, and which are not the subject of bankruptcy, divorce, or estate proceedings, shall be automatically enrolled in the Foreclosure Diversion Program, unless the plaintiff and the defendant homeowner agree in writing otherwise. Certain other foreclosure cases may be referred to and entered into the Foreclosure Diversion Program at the discretion of the presiding judge.
- B. All complaints for residential mortgage foreclosure actions eligible for participation in the Foreclosure Diversion Program shall be accompanied by a \$35 fee payable to the Lancaster County Prothonotary. This fee is nonrefundable.
- C. On or after March 21, 2022, complaints filed for residential mortgage foreclosure actions may be paper filed or filed electronically. For purposes of this Program, the Lancaster County Prothonotary may maintain all documents in electronic format and does not need to maintain a paper file for each case.
- D. *Urgent Notice*: Every complaint for residential mortgage foreclosure shall include the appropriate “Urgent Notice” to the defendant, either the “eligible” version of the notice or the “ineligible” version of the notice as follows:
1. for actions certified as eligible for the Foreclosure Diversion Program, an “Urgent Notice,” in the form attached as Form “2” advising the defendant homeowner of the Foreclosure Diversion Program, and of the automatic stay of any further proceedings in the case until the conclusion of the conciliation process, shall be affixed to any complaint when presented for filing and shall also be affixed to the copy of

the complaint to be served upon the defendant homeowner;
or

2. for actions certified as ineligible for the Foreclosure Diversion Program, an “Urgent Notice,” in the form attached as Form “3” advising the defendant homeowner of the Foreclosure Diversion Program, of the lender’s ineligibility claim, and of the defendant homeowner’s right to challenge that claim, shall be affixed to any complaint when presented for filing and shall also be affixed to the copy of the complaint to be served upon the defendant homeowner.

E. *Electronic Filing*: Any electronically filed complaint shall be submitted as follows:

1. The Plaintiff shall file the complaint electronically through Teleosoft, or any other such program as utilized by the Lancaster County Prothonotary for the electronic filing of documents;
2. Such complaint shall include a “Certification Cover Sheet” regarding the status of the foreclosed premises, in the form attached as Form “1” and the appropriate Urgent Notice as specified in Paragraph 4 above.
3. The Plaintiff shall pay the appropriate civil action filing fee and any additional fees for e-filing as set forth by the Lancaster County Prothonotary;
4. Within three (3) business days of the filing of the complaint in mortgage foreclosure electronically, the Plaintiff shall provide (1) a check made payable to the Lancaster County Sheriff’s Office for the civil process fee; (2) a paper copy of the filed complaint with the Certification Cover Sheet and the appropriate Urgent Notice as specified in Paragraph 4 above; and (3) the “Sheriff Service Process Receipt and Affidavit of Return” form.

F. *Paper Filing*: If paper filed, complaints for residential mortgage foreclosure shall be accompanied by the following:

1. one copy of the complaint for the plaintiff and one copy for each defendant homeowner;
2. one check made payable to the Lancaster County Prothonotary for the applicable filing fee, and one check made payable to the Lancaster County Sheriff’s Office for the civil process fee;
3. two self-addressed, stamped envelopes;

4. the “Sheriff Service Process Receipt and Affidavit of Return” form;
 5. a “Certification Cover Sheet” regarding the status of the foreclosed premises, in the form attached as Form “1”;
 6. The appropriate Urgent Notice as specified in Paragraph 4 above.
- G. *Notice to Non-Defendant Homeowners*: If any owner to the subject property is not also a defendant to the action, Plaintiff must also mail a copy of the complaint, Certification Cover Sheet, and applicable Urgent Notice to any additional non-defendant homeowners.
- H. *Service*: The Lancaster County Sheriff shall file a return of service which shall indicate the service of the Certification Cover Sheet and the Urgent Notice along with the service of the complaint. The return of service shall also indicate service of the initial stay Order, if applicable. The Certification Cover Sheet and the Urgent Notice shall accompany any complaint to be served by deputized service. The initial stay Order, if applicable, shall also accompany any complaint to be served by deputized service, and the return of service shall indicate that this Order was served. If service of the complaint is to be effectuated by alternate service as provided by Pa.R.C.P. No. 410 and Pa.R.C.P. No. 430, the Certification Cover Sheet and the Urgent Notice shall be posted on the property along with the initial stay Order, if applicable, and served via mail if such service of the complaint is authorized by the court order authorizing alternate service.
- I. If the Certification Cover Sheet indicates that the residential foreclosure action is not eligible for the Foreclosure Diversion Program, the Court may choose to enter the case marked ineligible into the diversion program at its discretion notwithstanding Plaintiff’s determination of eligibility. If the Court does not enter a case deemed ineligible into the diversion program, the remaining procedures in this Rule shall not be applicable, and the plaintiff may proceed as per the Pennsylvania Rules of Civil Procedure without any further requirement to attend conciliation. If the defendant homeowner believes that the action is eligible for the Foreclosure Diversion Program, the defendant homeowner shall have 20 days after service of the complaint to file with the Court an “Objection to Plaintiff’s Certification Cover Sheet and Request for Stay,” in the form attached as Form “6.” The filing of the Objection shall result in a

temporary stay of any further proceedings until further Order of Court. Within ten days of the filing of the defendant homeowner's Objection, the Court shall, in consideration of both the plaintiff's designation of ineligibility and the defendant homeowner's Objection, issue an order ruling on the foreclosure action's eligibility for the Foreclosure Diversion Program.

- J. *Automatic Stay:* For actions deemed eligible for the Foreclosure Diversion Program, the issuance of the initial stay Order shall result in an automatic stay of any further proceedings and suspend pleading deadlines at the onset of the case to afford the parties an opportunity to participate in and complete the court-supervised conciliation process. No answer shall be required, no judgment in foreclosure may be entered by default or otherwise, and no sheriff's sale may be scheduled or held prior to the completion of the conciliation process, unless the defendant homeowner files a Notice of Homeowner Nonparticipation, or the case is removed from the Foreclosure Diversion Program by further Order of Court. Within ten days of the filing of the Notice of Homeowner Nonparticipation, the Court shall issue an order canceling the conciliation conference, lifting the stay on the action, and directing the defendant homeowner to file an answer to the mortgage foreclosure complaint.
- K. *Initial Stay Order:* Upon the filing of a Foreclosure Diversion Program-eligible residential mortgage foreclosure complaint, the Court shall issue an initial stay order directing the defendant homeowner to participate in an intake process with the Court by phone, mail, email, or by other methods prescribed so that the defendant may be assigned to an approved HUD and PFHA housing counseling agency. The foreclosure services and the assistance of the housing counseling agency through this Program are FREE OF CHARGE to the defendant homeowner. Once the defendant homeowner completes the court intake process, the Court shall issue a Case Management and Scheduling Order which shall schedule a date for conciliation, direct the Defendant to promptly contact the assigned housing counseling agency for an intake appointment, and direct the Plaintiff to complete "Mortgage Information for Housing Counselor" with supporting documentation, attached as Form "5."
- L. *Housing Counseling:* The defendant homeowner is expected to participate in group and/or individual foreclosure counseling with the housing counseling agency as scheduled by the housing

counseling agency. The defendant homeowner shall bring to the counseling session all requested financial and employment information to enable the housing counselor to assist in the completion of the loss mitigation package and workout proposal. If the Diversion Program Coordinator determines at the intake that a Defendant may proceed without the assistance of a housing counseling agency, Defendant will be directed to continue in good faith loss mitigation efforts with the Plaintiff in order to remain in the Residential Mortgage Foreclosure Diversion Program. Defendant may subsequently opt in for free assistance from a housing counseling agency by notifying the Diversion Program Coordinator at cddp@lancastercountypa.gov or by calling 717.209.3290.

- M. Within 20 days of filing of the Case Management and Scheduling Order, the plaintiff shall submit to the Diversion Program Coordinator a completed “Mortgage Information for Housing Counselor” form with supporting documentation by secure email method, and to the assigned housing counselor, if any, using the form attached as Form “5.”
- N. *Conciliation Conferences*: The conciliation conference will be held before the Diversion Program Coordinator, or a court-appointed representative who will serve as the conciliation conference hearing officer, who will assist the parties in reaching an agreement. Conciliation conferences may be held utilizing Advanced Communication Technology.
- O. In preparation for the conciliation conference, the Court expects that no later than 14 days prior to the scheduled conciliation conference, the defendant homeowner, with the assistance of the housing counselor, will have submitted to the Plaintiff and/or Plaintiff’s attorney, a complete loss mitigation package with all supporting financial and employment documentation. If this does not occur, Defendant shall be required to provide good cause for not completing and submitting a complete loss mitigation package by the date of the first conciliation for the Court to consider allowing more time in diversion for the package to be completed and submitted.
- P. The defendant homeowner and the housing counselor, or the defendant homeowner’s attorney, if any, shall attempt to negotiate, prior to the conciliation conference, a resolution of the mortgage default with the plaintiff or the plaintiff’s representative. If the plaintiff or the plaintiff’s representative fails to participate

in good-faith negotiations with the defendant homeowner and/or the housing counselor and/or the defendant homeowner's attorney, the Court will issue an order directing the plaintiff to comply with the Foreclosure Diversion Program requirements otherwise sanctions will be imposed for continued noncompliance. If the plaintiff continues to fail to comply with Program requirements, the Court may issue an order dismissing the mortgage foreclosure complaint without prejudice and imposing sanctions, if appropriate, for noncompliance with the Foreclosure Diversion Program.

- Q. If the defendant homeowner does not want to participate in the Foreclosure Diversion Program, they may file a "Notice of Defendant Nonparticipation" in the form attached hereto as Form "4." If the defendant files a "Notice of Defendant Nonparticipation" or if the defendant homeowner fails or refuses to cooperate with the Diversion Program Coordinator and/or the housing counseling agency, if the Diversion Program Coordinator is unable to contact the defendant homeowner within 30 days of the service of the mortgage foreclosure complaint, or the case is later determined to be ineligible for the Program, the Court will issue an order removing the case from the Foreclosure Diversion Program.
- R. If an agreement is reached through negotiations prior to the scheduled conciliation conference, the plaintiff shall (a) prepare any documents necessary to implement the agreement, (b) immediately notify the Diversion Program Coordinator of the agreement so the conciliation conference may be cancelled, and (c) take the necessary action to ensure the record reflects the resolution of the matter. If no agreement is reached through negotiations, the case shall proceed to the scheduled conciliation conference.
- S. If the defendant homeowner is represented by counsel in the mortgage foreclosure action, the defendant homeowner need not contact a housing counselor but, instead, counsel for the defendant homeowner shall notify the Diversion Program Coordinator of the legal representation and shall provide the loss mitigation package and workout proposal to the plaintiff, with a copy to the Diversion Program Coordinator, within the time deadlines set forth herein.
- T. Any unrepresented defendant homeowner will be advised by the Court, the Diversion Program Coordinator, and the assigned

housing counselor of the right to consult with an attorney at any time during the conciliation process and to bring an attorney to the conciliation conference. The defendant homeowner will also be advised that the defendant homeowner may apply for a pro bono attorney through the Foreclosure Diversion Program, if any help of that kind is available, or through programs run by the lawyer referral, legal services, and legal aid programs as may exist within the Second Judicial District. If the defendant homeowner obtains a volunteer pro bono attorney through the Foreclosure Diversion Program, that attorney's appearance will be limited to representation only to assist the defendant homeowner with conciliation through the Foreclosure Diversion Program. Once appointed, pro bono counsel shall file with the Prothonotary a "Praeceptum for Entry of Limited Appearance" and "Praeceptum for Withdrawal of Limited Appearance", attached as Forms "7" and "8," respectively.

The appearance by a volunteer pro bono attorney at the conciliation conference shall not be deemed to be an entry of appearance in the underlying mortgage foreclosure action. If a defendant homeowner secures the paid legal services of an attorney, counsel of record must file a notice of appearance and shall attend the conciliation conference in lieu of the assigned housing counselor.

- U. At any time during the conciliation conference, the defendant homeowner may make a written request to the plaintiff for any of the following information and documents: (a) documentary evidence that the plaintiff is the owner and the holder in due course of the note and mortgage sued upon; (b) a complete history showing the application of all payments by the defendant homeowner during the life of the loan; (c) the payment dates, purpose of payment and recipient of any and all foreclosure fees and costs that have been charged to defendant homeowner's account; (d) the payment dates, purpose of payment and recipient of all escrow items charged to the defendant homeowner's account; (e) a statement of the plaintiff's position on the present net value of the mortgage loan; and (f) the most current appraisal of the property available to the plaintiff.
- V. Unless an agreement is reached prior to the scheduled conciliation conference, the plaintiff's attorney, the defendant homeowner, and the defendant homeowner's housing counselor or attorney, if the defendant homeowner is represented, shall appear at the

conciliation conference. A representative of the plaintiff who has actual authority to modify mortgages, and/or to enter into alternate payment agreements with the defendant homeowner, or to otherwise resolve the action, must be present at the conciliation conference by telephone or by use of advanced communication technology.

- W. The right to appear via telephonic means or advanced communication technology may be terminated as to any and all plaintiffs who fail to secure participation by a representative with full authority to negotiate for any conciliation conference.
- X. Failure of the plaintiff's counsel or the plaintiff's representative to attend the conciliation conference, absent good cause shown, or failure to participate in the conciliation in good faith may result in the dismissal of the action, the rescheduling of the conciliation conference, the imposition of attorney's fees and costs, or the imposition of such other sanctions as the Court deems appropriate.
- Y. Failure of the defendant homeowner or defendant homeowner's counsel of record to attend the conciliation conference, absent good cause shown, may result in the removal from the Foreclosure Diversion Program, lifting of the automatic stay, and the matter proceeding to judicial disposition.
- Z. At the conciliation conference, the parties and their representatives and/or counsel shall be prepared to discuss and explore all applicable loss mitigation programs offered by the plaintiff for which the defendant homeowner could be eligible, along with other potential resolution options that may allow the defendant homeowner to own the property or otherwise avoid a foreclosure judgment or sheriff's sale, including but not limited to: bringing the mortgage current through a reinstatement, paying off the mortgage, proposing a forbearance agreement or repayment plan to bring the account current over time, consenting to homeowner refinancing, agreeing to vacate in the near future in exchange for not contesting the matter, offering the lender a deed in lieu of foreclosure, entering into a loan modification or a reverse mortgage, reducing principal, agreeing to a pre-foreclosure sale/short sale, paying the mortgage default over 60 months, consenting to judgment, and instituting bankruptcy proceedings.
- AA. If an agreement is reached at the conciliation conference, the plaintiff shall prepare any documents necessary to implement the agreement and shall take the necessary

action to ensure the record reflects the resolution of the matter. After reaching an agreement in principle, if either party fails to execute documents reflecting that agreement, or if the material terms of the agreement are not fully met, then either party may contact the Diversion Program Coordinator to request a new conciliation conference. The Diversion Program Coordinator will schedule a conference as soon as reasonably practicable.

- BB. At the conclusion of each conciliation conference, the Diversion Program Coordinator or the conciliation conference officer shall complete a conciliation report which shall be submitted to the Court. After review by the Court of the conciliation report with recommendations, an appropriate order shall issue, which may include lifting the automatic stay if the parties are unable to come to an agreement, continuing the stay for a reasonable time to allow for further voluntary negotiations and the preparation and execution of documents to implement any agreement, scheduling an additional conciliation conference, imposing sanctions for a violation of Program requirements, or any other action the Court deems appropriate.
- CC. *Continuance Requests:* If, at any time prior to a scheduled conciliation conference, the plaintiff becomes aware that it will be unable to proceed to the conference due to the need for more time to review the documents provided by the defendant homeowner or the defendant requires an additional 30 days to complete housing counseling, the plaintiff or defendant may submit to the Diversion Program Coordinator a “Request for Continuance of Conciliation Conference” in the form attached hereto at Form “9.”
- DD. Absent good cause, as determined by the Court, conciliation must be completed within 180 days after suit is filed. If conciliation fails to be completed within 180 days after suit is filed, and the Court makes the determination that such failure is attributable to either party, and that party is unable to show good cause as to why conciliation could not be completed within the specified time, the Court may dismiss the action without prejudice, enter an order removing the action from the Program, or impose such other sanctions as the Court deems appropriate.

- EE. In any residential mortgage foreclosure action which was commenced on or before July 31, 2021, and which would be an eligible action for the Foreclosure Diversion Program if it had been filed after that date, but in which no default judgment has been entered or in which an Important Notice (the ten-day notice required by Pa.R.C.P. No. 237.1(a)(2)) has not yet been sent to the defendant homeowner, the Important Notice shall be accompanied by the Urgent Notice substantially in the form attached as Form “2.” The defendant homeowner may seek participation in the Foreclosure Diversion Program by filing with the Court an “Application for Entry”, substantially in the form attached as Form “10”, requesting placement in the Program and a stay of proceedings.
- FF. If a judgment has been entered against a defendant homeowner or if a sheriff’s sale has been scheduled in a residential mortgage foreclosure action which was commenced on or before July 31, 2021, and which would be an eligible action for the Foreclosure Diversion Program if it had been filed after that date, the defendant homeowner may seek participation in the Program by filing with the Court an “Application for Entry,” substantially in the form attached as Form “11”, requesting placement in the Program and a stay of sheriff’s sale.
- GG. Any plaintiff lender who files a motion for summary judgment or a motion for judgment on the pleadings in any residential mortgage foreclosure case which was commenced on or before July 31, 2021, and which would be an eligible action for the Foreclosure Diversion Program if it had been filed after that date, must also serve on the defendant homeowner the Urgent Notice substantially in the form attached as Form “2.” The defendant homeowner may seek participation in the Foreclosure Diversion Program by filing with the Court an Application for Entry, substantially in the form attached as Form “10”, requesting placement in the Program and a stay of proceedings. However, the Court may require a disposition of the motion for summary judgment or motion for judgment on the pleadings to be made prior to placing a stay on the proceedings and scheduling a conciliation conference.

- HH. At the discretion of the presiding judge, a defendant homeowner who was removed from the Foreclosure Diversion Program may be granted re-entry into the Program by filing with the Court an “Application for Re-Entry,” substantially in the form attached as Form “12” and by providing a courtesy copy to the Diversion Program Coordinator by email to: cddp@lanastercounty.pa.gov. If a case is granted re-entry into the foreclosure diversion program, the Court will issue a Case Management and Scheduling Order to schedule the case for conciliation and direct the Defendant to work with an assigned housing counseling agency.
- II. Sanctions may be imposed by the Court at any time for lack of good faith participation and/or noncompliance with any aspect of the Foreclosure Diversion Program on any party.
- JJ. All communications occurring as a result of Local Rule 205.2(c) regarding the Foreclosure Diversion Program, including information submitted to the Diversion Program Coordinator and/or the conciliation conference officer that is not filed with the Court, shall be confidential and inadmissible in any subsequent legal proceeding, unless otherwise provided by law.
- KK. The Program Coordinator may assist with enforcing compliance with Local Rule 205.2(c).
- LL. Local Rule 205.2(c) shall remain in effect until further order of the Court.

Editor’s note: Adopted July 23, 2024, effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

**Rule 205.2(d). *Lancaster County Consumer Credit
Card Collection Diversion Program
 (“Program”)***

- A. All actions filed for consumer credit card debt collection shall be automatically enrolled in the Program, subject to the “opt-out” procedure set forth below. Certain other consumer credit card cases may be referred to conciliation at the discretion of the presiding judge, as specified in the paragraphs below.

Business or commercial credit card debt collection actions, where a business or commercial entity is listed as a defendant or as a co-defendant, are not eligible for the Program and will not be automatically enrolled. For a business or commercial credit card debt

collection action, on the Supreme Court of Pennsylvania Cover Sheet, Plaintiff shall check the box for Debt Collection: Credit Card and include in the lines below, “Business Credit Card.” Plaintiff shall not include the “NOTICE,” also known as Form 1, or make any reference to the credit card diversion program for a business or commercial credit card debt collection action in its complaint.

However, to avoid the necessity of issuing an Order for Plaintiff to amend its complaint for inadvertently including the “NOTICE,” which may confuse Defendants as to whether the proceeding and pleading requirements are paused, the Court may issue a companion order which will clearly state that there is no stay placed on the proceedings, that the pleading requirements are not suspended, and that Defendant should heed the Notice to Defend within 20 days of service of the complaint. The Plaintiff shall serve the companion order with the complaint.

If Plaintiff includes the “NOTICE” in its initial complaint where the case is not eligible for the Program because it is a business or commercial credit card debt collection action and the Court does not issue a companion order to be served with the complaint, Plaintiff shall file an Amended Complaint that includes a clear statement that the case does not qualify for the consumer credit card collection diversion program, that there is no stay placed on the proceedings, the pleading requirements are not suspended, and that Defendant should heed the Notice to Defend within 20 days of service of the Amended Complaint. The Amended Complaint shall not include the “NOTICE.”

- B. Plaintiffs are required to electronically file complaints for consumer credit card debt collection actions and are subject to additional e-filing fees as may be implemented by the Lancaster County Prothonotary. For purposes of this Program, the Lancaster County Prothonotary may maintain all documents in electronic format and does not need to maintain a paper file for each case.
- C. In all consumer credit card collection actions, the caption of the complaint shall include the words “Consumer Credit Card Collection Action.”
- D. Electronically filed complaints shall be submitted as follows:
 - 1. The Plaintiff files the complaint electronically through the Lancaster County Prothonotary Online Portal or any other such program that may be utilized by the Lancaster County Prothonotary for the electronic filing of documents;

2. The Plaintiff pays the appropriate civil action filing fee and any additional fees for e-filing as set forth by the Lancaster County Prothonotary;
 3. Within three (3) business days of the filing of the complaint electronically, the Plaintiff shall provide (1) one check made payable to the Lancaster County Sheriff's Office for the civil process fee and (2) a paper copy of the filed complaint with the "Notice of Consumer Credit Card Collection Diversion Program," in the form attached hereto as Form "1," affixed to the front of the complaint to the Lancaster County Sheriff's Office.
- E. Upon the filing of a consumer credit card collection complaint, the Court shall issue a "Case Management Order," substantially in the form attached hereto as Form "2". The Prothonotary shall serve a copy of the Case Management Order ("CMO") on the plaintiff's attorney and on the defendant. If there is a conflict between the local rules and the CMO, the CMO takes precedence over the local rules and is controlling.

The CMO shall:

1. schedule a conciliation conference for no sooner than 90 days and no later than 120 days from the date of the Order;
2. direct the plaintiff to electronically file with the Court, within 30 days of the date of the CMO, the "Statute of Limitations And Documentation of Debt Certification" form, identified in paragraph 6 below, along with supporting documentation ("DOCS") of the alleged debt (i.e., credit card statements, original credit card application, credit card agreements, bill of sale, account transfer or assignment, etc.);
3. notify the defendant that the defendant may call a certified credit counseling agency directly at the telephone number provided in the CMO to assist the defendant in preparing for the conciliation conference;
4. notify the defendant that the defendant may opt out of the Consumer Credit Card Collection Diversion Program by filing with the Court "Defendant's Election of Nonparticipation," in the form attached hereto as Form "3," or such later court-approved form;
5. require the attendance at the conciliation conference of the defendant or defendant's counsel of record, and a representative of the plaintiff, or plaintiff's counsel of record;

6. provide that further proceedings in the action will be stayed pending the conclusion of the conciliation process, unless the defendant opts out of the Program, or the case is removed from the Program by further Order of Court;
 7. advise the defendant of the right to consult with an attorney at any time and to bring an attorney to the conciliation conference, as well as provide contact information for local legal services and pro bono attorney programs, if any; and
 8. provide such other terms as may be necessary and appropriate.
- F. The sheriff shall file a return of service which shall indicate the service of the complaint. The entry of the Case Management Order (“CMO”) shall result in an automatic stay of any further proceedings to afford the parties an opportunity to participate in the court-supervised conciliation process. No answer shall be required, and no judgment by default may be entered prior to the completion of the conciliation process unless the case is removed from the Program by further Order of Court.

However, a consent judgment, a judgment by agreement, or an agreed upon stipulation in lieu of judgment containing the signatures of both parties may be filed and entered prior to the completion of the conciliation process, and, if this occurs, it will cause the case to be automatically released from the program without further Order of Court.

- G. Within 30 days of the date of the CMO, the plaintiff shall e-file with the Court a “Statute of Limitations and Documentation of Debt Certification” (“SOL”) in substantially the same form as the form attached hereto as Form “4” and provide supporting documentation (“DOCS”) of the alleged debt as defined in the SOL. Supporting documentation, i.e., credit card statements, must be filed in chronological order, preferably oldest to newest. The SOL form and DOCS shall be filed with the appropriate Confidential Document/Information forms in accordance with the Case Records Public Access Policy of the Pennsylvania Courts.

The “Statute of Limitations and Documentation of Debt Certification” and all supporting documentation must be filed electronically through the Lancaster County Prothonotary Online Portal or any other such program as utilized by the Lancaster County Prothonotary for the electronic filing of documents.

The Diversion Program Coordinator will review the SOL and DOCS submitted to the Court to determine whether the appropriate supporting documentation and information has been filed. Any questions as to the sufficiency of documentation shall be referred to a judge of the Court of Common Pleas. If the documents are not submitted or lack the required information, the Court shall issue a non-compliance Order directing the plaintiff to supplement its documentation to conform with the pleading requirements under Pennsylvania Rules of Civil Procedure 1019. If Plaintiff fails to comply with the CMO and/or the non-compliance Order, the Court will issue a Rule upon Plaintiff to show cause why the action should not be dismissed without prejudice for failure to comply, with the Rule returnable at a hearing.

- H. If the defendant elects not to participate in the Program or if the defendant fails or refuses to cooperate within the parameters of the Program, the Court shall issue an Order removing the consumer credit card debt collection action from the Program. Within ten days of the filing of Defendant's Election of Nonparticipation, see Form "3" below, the Court shall issue an Order canceling the conciliation conference, lifting the stay on the action, and directing the defendant to file a response to the plaintiff's complaint.
- I. The scheduled conciliation conference will be held before the Diversion Program Coordinator, or a court-appointed representative, who will facilitate the settlement negotiations. Conciliations may be held virtually utilizing advanced communication technology.
- J. Any unrepresented defendant will be advised by the Court, the Diversion Program Coordinator, and the credit counseling agency of the right to consult with an attorney at any time during the conciliation process and to bring an attorney to the conciliation conference. The defendant will also be advised that the defendant may apply for an attorney through programs run by the lawyer referral, legal services, and legal aid programs as may exist within the Second Judicial District. If a defendant secures the legal services of an attorney, counsel of record must file a Praecipe for entry of appearance.
- K. If an agreement is reached through negotiations prior to the scheduled conciliation conference, the plaintiff shall
 - (a) immediately notify the Diversion Program Coordinator of the agreement so the conciliation conference may be cancelled,
 - (b) confirm the agreement in writing with the defendant and the

Program Coordinator within five business days, and (c) prepare any documents necessary to implement the agreement.

- L. If, at any time prior to the date on which a conciliation conference is scheduled, the plaintiff becomes aware that it will be unable to proceed to the conference, then the plaintiff must contact the defendant, the defendant's attorney, if any, and the Diversion Program Coordinator, in writing, to request a continuance of the conciliation conference. Any failure of the plaintiff to comply with the specific terms of this paragraph may result in the imposition of sanctions.
- M. Unless an agreement is reached prior to the scheduled conciliation conference, the plaintiff's attorney of record, the defendant, or the defendant's attorney of record shall appear in person at the conciliation conference. Use of local or appearance counsel is not permitted.
- N. If the conference is held virtually utilizing advanced communication technology, Plaintiffs shall appear by video, unless granted an exception by the Court to participate by telephone. Defendant's counsel shall also appear by video, unless granted an exception by the Court to participate by telephone. Unrepresented Defendants may participate by video or by telephone without exception. All parties or attorneys who appear at the conciliation must have actual settlement authority.
- O. Failure of the plaintiff's counsel or the plaintiff's representative to attend the conciliation conference, absent good cause shown, or failure to participate in the conciliation in good faith may result in the dismissal of the action without prejudice, the rescheduling of the conciliation conference and/or further postponement of any action in the matter, the award of attorney's fees and costs, and any lost wages or other related expenses for the defendant, or the imposition of such other sanctions as the Court deems appropriate.
- P. Failure of the defendant or defendant's counsel of record to attend the conciliation conference, absent good cause shown, may result in the lifting of the automatic stay and in the matter proceeding to judicial disposition, and may further result in the imposition of sanctions as the Court deems appropriate, including, but not limited to, attorney's fees and costs.
- Q. If an agreement is reached at the conciliation conference, the Court will issue an Order to continue the case generally in the Program pending finalization of the agreement. Plaintiff shall

prepare any documents necessary to implement the agreement within five business days of the date of the conciliation conference. If no agreement is filed with the Court within 90 days from the date of the general continuance order, then Plaintiff may make a request to the Diversion Program Coordinator that the case be released from the Program to be further litigated. If an agreement is filed within 90 days from the date of the general continuance order, the case shall be automatically released from the Program on the date the agreement is filed so that Plaintiff may enforce the agreement if necessary.

- R. Conciliation must be completed within 30 days of the conciliation conference, unless extended by Order of the Court or by stipulation of the parties.
- S. Absent good cause, as determined by the Court, conciliation must be completed within 180 days after suit is filed. If conciliation fails to be completed within 180 days after suit is filed, and the Court makes the determination that such failure is attributable to either party, and that party is unable to show good cause as to why conciliation could not be completed within the specified time, the Court may dismiss the action with or without prejudice or impose such other sanctions as the Court deems appropriate.
- T. Any plaintiff who files a motion for summary judgment or a motion for judgment on the pleadings in any consumer credit card collection case that was commenced on or before December 31, 2021, must also serve on the defendant: (a) a copy of the Notice of Consumer Credit Card Collection Diversion Program and Certification Regarding Eligibility of Action, in the form attached hereto as Form “5,” giving the defendant in that pending action notice of the availability of the Program; and (b) an Application for Entry, in the form attached hereto as Form “6,” allowing the defendant to request placement in the Program and a stay of proceedings. The defendant may seek participation in the Program by filing with the Court, within 20 days of receipt of the Notice, an Application for Entry.

The motion for summary judgment or motion for judgment on the pleadings shall have attached to it a “Statute of Limitations and Documentation of Debt Certification” in the form attached hereto as Form “4”. The Court may deny the motion for failure to comply with the requirements of this paragraph.

- U. In any consumer credit card collection case that commenced on or before December 31, 2021, in which there are outstanding

preliminary objections, the Court, in its discretion, may refer the case to the Program.

- V. Any plaintiff who files a Praecipe for judgment by default in any consumer credit card collection case that was commenced on or after January 1, 2022, that is governed by these rules, must attach an “Affidavit of Compliance and Entitlement to Default Judgment” in the form attached hereto as Form “7.”

If the plaintiff has not complied with the requirements of the local rules, the Prothonotary shall not automatically enter a default judgment against the defendant and shall forward the filing to the Program Coordinator. No judgment by default against the defendant shall enter unless the Court determines the documentation filed by the plaintiff establishes the plaintiff’s entitlement to judgment in the amount claimed by the plaintiff.

- W. Any plaintiff who files a motion for summary judgment or a motion for judgment on the pleadings in any consumer credit card collection case that was commenced on or after January 1, 2022, must attach an Affidavit of Service indicating the manner and date of service of the “Notice of Consumer Credit Card Collection Diversion Program”, in the form attached hereto as Form “1,” upon the defendant.
- X. At the discretion of the presiding judge, a defendant who has previously participated in, and been removed from, the Program may request the Court to re-admit the case to the Program for good cause shown by presenting an “Application for Re-Entry”, substantially in the form attached hereto as Form “8”, or such later court-approved form. If the defendant’s request is granted, the Court will issue a CMO to schedule a conciliation conference.
- Y. Sanctions may be imposed by the Court at any time for lack of good faith participation and/or noncompliance with any aspect of the Program.
- Z. All information submitted to the Diversion Program Coordinator that is not filed with the Court shall be confidential and inadmissible in any subsequent legal proceeding, unless otherwise provided by law.
- AA. The Diversion Program Coordinator may assist with enforcing compliance with these rules.
- BB. These rules are effective for all consumer credit card collection actions filed on or after January 1, 2022.
- CC. These local rules shall remain in effect unless and until they are rescinded by the Court.
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Editor's note: Adopted July 23, 2024, effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

Rule 205.4. *Electronic Filing of Legal Papers*

- A. “Electronic Filing” (E-Filing) means the electronic transmission of documents to the court under these rules. Electronic filing does not include service of any documents.
1. All Civil Actions (including Family Actions) filed in the Court of Common Pleas of Lancaster County may be filed by E-Filing.
 2. *Registration.* Any person intending to use eFile must register with Teleosoft CountySuite Portal. All use of the CountySuite Portal shall be in accordance with the CountySuite Portal user manual. All registered users shall be individuals, not law firms, agencies, corporations or other groups.
 3. *Original document.* A legal paper filed electronically shall be deemed the original document, but copies of exhibits electronically filed do not constitute the original of the exhibit for evidentiary purposes.
- B. *Form of Documents Electronically Filed.*
1. *Format.* To the extent practicable it shall be formatted in accordance with the applicable rules governing formatting of paper documents, and in such other and further format as the Court may require from time to time. All electronic filings shall be in PDF format. A document may exceed page limitation rules to a maximum of two (2) additional pages when the additional pages are attributed to the electronic conversion of filing process. The eFile system will automatically convert any filing to PDF/A format.
 2. *Title of Documents.* The title of each electronically filed document shall include:
 - a. Descriptive title of the document;
 - b. Party or parties filing the document;
 - c. Party or parties against whom relief, if any, is sought; and
 - d. Nature of the relief sought (e.g. Defendant ABC Corporation’s Motion for Summary Judgment Against Plaintiff Jones).
 3. *Signature.*
 - a. Each electronically filed document shall be deemed to have been signed by the attorney or party represented by an

attorney authorizing such filing and shall bear a facsimile or typographical signature of such person, e.g. “/s/Adam Attorney”. Each document eFiled by an attorney shall also include the typed name, address, and telephone number of the attorney or unrepresented party filing such document. Attorneys shall include their Pennsylvania bar number. Each electronically filed declaration and affidavit shall be deemed to have been signed by the declarant or affiant if an attorney or party not represented by an attorney has authorized such filing. Documents containing signatures of third-parties (i.e., unopposed motions, affidavits, stipulations, etc.) may also be filed electronically by indicating in the original signatures are maintained by the filing party in paper-format.

- b. The electronic filing of a legal paper constitutes a certification by the filing party that the original hard copy was properly signed and, where applicable, verified; and a certification as provided by the signature to a legal paper under Pa.R.Civ.P. 1023.1(c), the violation of which shall be subject to the sanction provided in Pa.R.Civ.P. 1023.1(d). The filing party shall maintain the original hard copy of the document filed for two years after the later of: the disposition of the case; the entry of an order resolving the issue raised by the legal paper; or the disposition by an appellate court of the issue raised by the legal paper. Any other party at any time may serve upon the filing party a notice to produce for inspection the signed hard copy within fourteen days of the service of the notice. The court upon motion may grant appropriate sanctions for failure to produce the signed hard copy pursuant to the notice.

C. *Public Access to the Docket.*

1. Public Access to the Prothonotary’s docket is available on the Internet at www.co.lancaster.pa.us/155/Prothonotary.
2. The Prothonotary shall make a Public Access Terminal available to the general public to allow access to the Court’s electronic case record in all E-Filed cases.

D. *Filing Fees.*

1. All filing fees and payments shall be made at the time of filing with an authorized credit card through the CountySuite Portal. Authorized cards shall include Visa, MasterCard,

American Express and Discover. Filing fees and payments may not be deposited in advance with the Prothonotary.

2. Filing fees billed by CountySuite Portal shall include the Prothonotary's statutory filing fees.
3. The Prothonotary is authorized to charge a convenience fee for E-Filing as set forth in the Prothonotary's fee schedule.

E. *Sealed Documents.*

1. Documents intended to be filed under seal shall be designated by the filing party as "sealed" in the CountySuite Portal. However, designation of documents as "sealed" does not seal the document. The filing party must submit a proper request for sealing documents in addition to making the designation in the CountySuite Portal.
2. The filing details and document title will appear in the e-File system. The document can be viewed only by the Court, the Prothonotary staff, and case participants.

F. *Time of eFiling.*

1. The CountySuite Portal shall provide to the filer, using the email addressed registered by the filer, a courtesy email acknowledging that the E-filing was received. An official notification will be displayed in the CountySuite Portal, which includes the time and date, as a pending filing awaiting approval by the Prothonotary. The Prothonotary shall provide the filer with notification through the CountySuite Portal that the legal paper has been either accepted or rejected.
2. If a legal paper is accepted, it shall be deemed to have been filed as of the date and time it was received by the CountySuite Portal; however, if a legal paper is submitted without the requisite filing fee, the legal paper shall be deemed to have been accepted for filing as of the date payment is received pursuant to 42 P.S. Section 21073(b). The Prothonotary may maintain an electronic file only and no paper file, with approval from the Court.

(*Comment:* As required by Pa.R.Civ.P. No. 205.4(c)(1) access to the CountySuite Portal shall be available at all times, except for routine maintenance; however, legal documents can only be reviewed by Prothonotary staff during normal office hours. Therefore, filers are cautioned to file required legal papers well in advance of any filing deadlines to enable

timely correction and resubmission in the event a legal paper is not acceptable for filing.)

G. *Service of Legal Papers.*

Once an E-Filing has been accepted by the Prothonotary it shall be the responsibility of the filing party to provide to the sheriff the proper service fee and documents for original service and writs. The CountySuite Portal does not include legal service.

H. *Obligation of registered E-File Users to Maintain Proper Delivery Information.*

Parties or attorneys who register to use the CountySuite Portal system shall notify CountySuite Portal within ten days of any change in firm name, delivery address, fax number or e-mail address.

Editor's note: Amended September 13, 2017, effective thirty days after publication in the *Pennsylvania Bulletin*; amended September 19, 2023, effective thirty days after publication in the *Pennsylvania Bulletin*; amended January 23, 2025, effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

Rule 206.1(a). *Petition. Definition. Stipulation*

A. *Petition Defined*

A petition is a request which seeks relief ancillary to a given cause of action and which avers facts not of record.

Petitions include, but are not limited to:

1. Petitions to open or strike judgment.
2. Petitions to transfer venue.
3. Preliminary objections filed pursuant to Pa.R.Civ.P. No. 1028(a)(1), (5) or (6).
4. Petitions which seek the issuance of a rule to serve the interests of justice.

B. *Stipulated Matters*

If the parties agree to the relief sought, the petition shall be accompanied by a stipulation signed by all affected counsel or unrepresented parties and a proposed order.

Editor's note: Amended January 23, 2025, effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

Rule 206.4(c). *Petition. Rule to Show Cause*

- A. The procedure of Pa.R.Civ.P. No. 206.6 is adopted, and a rule shall issue as a matter of course pursuant to that Rule.
- B. The petitioner shall attach to the petition a proposed order substantially in the following form:

See Forms Index

- C. When the petitioner requests a hearing or argument date, the form of the order may be modified accordingly.
- D. When the petitioner requests a stay, the form of the order may be modified accordingly.
- E. All petitions, except as provided in F, shall be filed with the Prothonotary. The Prothonotary shall forward such petitions to the assigned judge for entry of the Order.
- F. A petition which requests a stay, the filing of an answer in fewer than twenty days or other substantive relief shall be presented in person to the assigned judge. For such petitions, the Court shall not issue the rule to show cause unless:
 - 1. It appears from the petition that reasonable notice has been given to all affected parties of the date, time and place of the presentation; or
 - 2. It appears from the petition that there is an agreement of all affected parties; or
 - 3. The Court in its discretion shall determine that there are extraordinary circumstances justifying immediate relief.

Editor's note: Effective August 23, 2004. Amended February 10, 2016. Effective upon publication on the UJS Web Portal. Amended January 18, 2017, effective March 20, 2017. Amended January 23, 2025, effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

Rule 206.7. *Procedure After Issuance of Rule to Show Cause*

If an answer is not filed, the petitioner may submit a proposed order and file a praecipe to forward the petition to the assigned judge for disposition.

Editor's note: Amended February 10, 2016. Effective upon publication on the UJS Web Portal. Amended January 18, 2017, effective March 20, 2017.