

In the Court of Common Pleas  
Butler County, Pennsylvania

MSD 08-40073

IN RE: Butler County Local Civil Court Rules

PROTHONOTARY'S  
OFFICE - BUTLER CO.  
ENTERED & FILED  
2008 MAR 12 PM 3:09  
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PROTHONOTARY

**ADMINISTRATIVE ORDER OF COURT**


And now, this 12th day of March, 2008 in order to comply with the Pennsylvania Rule of Civil Procedure, 239, it is hereby ordered and decreed that the attached Butler County Local Rules of Procedure are herewith adopted. It is further ordered that all prior Local Rules of Procedure that have been adopted and/or revised by this Court at various times and docketed to several different docket numbers are herewith rescinded.

This Order of Court shall be effective immediately after publication of the Rules in the Pennsylvania Bulletin.

The Butler County District Court Administrator is ordered and directed to:

1. File seven certified copies of this Administrative Order, including the newly adopted rules, with the Administrative Office of the Pennsylvania Courts.
2. File two certified copies and one diskette with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
3. File one certified copy with the Pennsylvania Civil Procedural Rules Committee.
4. Electronically submit to the Administrative Office of the Pennsylvania Courts a copy of the attached local rules for publication on the AOPC website.
5. Forward one copy for publication in the Butler County Legal Journal.
6. Forward one copy to the Butler County Law Library
7. Keep continuously available for public inspection copies of the Order of Court and Local Rules in the office of the Prothonotary of Butler County.

By the Court

  
Thomas J. Doert, President Judge



**RULE L205.4 ELECTRONIC FILING.**  
(Reserved for future implementation.)

**RULE L206.1(a)(2) PETITIONS.**

"Petition" in Butler County shall include, in addition to matters defined in Pa.R.C.P. 206.1(a), a petition to open a confessed judgment. Each petition filed with the Court shall contain a proposed order for the Court's consideration. Said proposed order shall follow the provision of Pa.R.C.P. 206.5, with alternative provisions in paragraph(d)(4) and (5), so that the Court may determine whether to proceed with depositions or an evidentiary hearing on disputed issues of material fact.

**RULE L206.4(c) RULE TO SHOW CAUSE.**

Upon the filing of a Petition with the Prothonotary, the Petition shall be forwarded by the Prothonotary to the assigned judge. The issuance of a Rule to show cause on a petition shall be discretionary with the Court as provided by Pa.R.C.P. 206.5.

**RULE L208.2(d) UNCONTESTED MOTIONS.**

Any motion, as defined by Pa.R.C.P. 208.1, bearing the written consent of the opposing party, or the opposing party's attorney of record, may be submitted to the assigned judge without formal notice of presentation, in a manner set forth in Butler County L.R.C.P. L208.3(a).

**RULE L208.3(a) MOTIONS PROCEDURE - MOTIONS COURT**

(1) Motion Court Session. There shall be a session of the Court for presentation of motions, appropriate requests and applications, one day per week with each civil court judge. The days and times of Motion Court for each respective judge are posted with the Court's calendar. The Court's motion calendar is posted on the local website, [www.co.butler.pa.us](http://www.co.butler.pa.us).

(a) If no judicial assignment has been made in a civil case, moving counsel or party shall obtain a judge assignment for the case from the Office of the Prothonotary. Thereafter, civil motions shall be presented to the assigned judge during that judge's Motion Court session.

(2) Filing. Uncontested motions and contested motions may be filed in the office of the Prothonotary or in Motions Court. Upon filing with the Prothonotary, the Prothonotary shall place appropriate stamps and notations on each motion, make an appropriate docket entry and promptly forward the motion to the Court Administrator for presentation to a judge for the entry of an appropriate order. Except for emergency motions, motions will be considered by the judge assigned to the case during that judge's weekly Motions Court session. Motions presented during Motions Court shall be reflected in the court record and shall be logged in the Court Administration log book. The Motion shall thereafter be docketed by the Prothonotary upon its receipt from the Judge or Court Administration.

(3) Emergencies. In the case of a true emergency, a motion, appropriate request or application shall be presented to the Court Administrator who will immediately refer the matter to a judge for consideration. If a moving party claims that an emergency exists, the nature of the emergency, and the reasons why any required notice could not be given, must be set forth in the motion, request or application being filed.

(4) Uncontested Motions. Uncontested motions are defined as those:

(a) Where all parties or their counsel of record have consented to the motion and order. Counsel may certify that all parties or their counsel have consented or attach written consent; or

(b) Where the proposed order seeks only a rule to show cause with a return hearing or argument date and no such other further relief; or

(c) Where the proposed order seeks only the appointment of a master, mediator or hearing officer and no such other further relief.

(5) Required pre-filing notice. Before any motion is filed, the moving party shall serve a copy of the motion, request or application and any proposed order, and a statement of the date and time of the intended presentation, to counsel of record and any unrepresented party at least five days in advance of the presentation. Service may be accomplished personally, by first class mail, or by facsimile transmission. Service shall be made pursuant to Pa.R.C.P. 440.

**(6) Cover Sheet. A cover sheet, that may from time to time be adopted by Administrative Order shall be attached to each contested and uncontested motion and every copy of the same that is filed or served.**

In the Court of Common Pleas of Butler County  
Commonwealth of Pennsylvania

\_\_\_\_\_  
\_\_\_\_\_  
Versus \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ } Civil Division  
\_\_\_\_\_ }  
\_\_\_\_\_ } No

**I. Notice**

You are hereby notified that the attached matter will be:  Filed on \_\_\_\_\_ 20 \_\_\_\_  
 Presented to Assigned Judge \_\_\_\_\_  
on \_\_\_\_\_ at 9:00 am

**II. Certificate of Notice/Service**

I gave reasonable prior notice of filing and a copy of this document to \_\_\_\_\_  
at \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_ by:  
 Personal Service  Fax  Mail  Other (explain) \_\_\_\_\_

**III. Information for Court Administrator**

Is this an original filing in this case?  No  Yes

Judge Assignment:  
 Thomas Doerr (courtroom 1)  Michael Yeager (courtroom 3)  Marilyn Horan (courtroom 4)  
 Other \_\_\_\_\_

Adverse party position?  Opposes  CONSENTS  UNOPPOSED  Unknown

I certify all the above statements are true and correct.

Date \_\_\_\_\_ 20 \_\_\_\_ \_\_\_\_\_  
Signature \_\_\_\_\_  
Counsel for: \_\_\_\_\_

(a) Any motion, request or application that is filed without the required certification of notice and service on the cover page may not be substantively acted upon by the court.

(8) Verification. A motion that sets forth facts not of record shall be properly verified.

(9) Suggested Order. Every motion, request and application shall have attached thereto a suggested order concerning the relief that is requested by the moving party.

**RULE L212.1 CIVIL ACTIONS TO BE TRIED BY JURY AND BY NON-JURY. NOTICE OF EARLIEST TRIAL DATE. TIME FOR COMPLETING DISCOVERY AND FILING PRE-TRIAL STATEMENT.**

(a) In all civil actions which indicate a jury trial demand or which seek a non-jury trial disposition, the Court Administrator shall schedule said cases for a Status Conference before the assigned judge. Status Conferences shall not be scheduled sooner than ninety (90) days following the filing of the complaint. At the Status Conference, counsel for the parties or pro se parties are required to appear. The Status Conference shall be conducted by the Court and shall focus upon determining a schedule for completion of pleadings, progress of discovery and anticipated date for filing a praecipe for trial or arbitration.

(1) Status Conferences may also be ordered upon written motion of a party, setting forth reasons in support of the request for status conference. The Court may enter appropriate orders at the conclusion of the Status Conference.

(b) Summary Trials. Upon request of all parties, the Court may consider scheduling a case for a summary trial pursuant to procedures agreed upon by the parties and the Court

(c) Scheduling. Jury and Non-Jury Trials in civil actions shall be scheduled in accordance with each civil court judge's calendar as published by the court and available on the Butler County website, [www.co.butler.pa.us](http://www.co.butler.pa.us).

(1) Following the filing of the praecipe for trial with the Prothonotary, the Prothonotary shall forward the praecipe to the Court Administrator for scheduling of the case for pre-trial conference and trial. Unless the court's calendar is otherwise scheduled, a case shall be scheduled for pre-trial conference within sixty (60) days of the filing of the praecipe for trial. The trial term during which the case shall be scheduled shall occur within ninety (90) to one hundred and twenty (120) days from the filing of the praecipe. These times may be subject to variance to accommodate the court's calendar and scheduling availability.

(a) Cases will generally be scheduled on each trial list in chronological order according to the date of praecipe for trial or arbitration appeal, while giving preference to cases described in Pa. R.C.P. 214. The Court Administrator shall publish a copy of the trial list on the Butler County website, [www.co.butler.pa.us](http://www.co.butler.pa.us), and furnish a copy to the Prothonotary, who in turn shall forward the trial list to each attorney of record and non-represented parties for cases scheduled on the trial list.

(2) Non-Jury Trials may be scheduled in a back-up category during jury trial weeks and during non-jury trial sessions of the Court as noted on the trial calendar.

(d) A pre-trial statement shall be filed by all plaintiffs within thirty (30) days after the praecipe for trial is filed. Pre-trial statements on behalf of all defendants and additional defendants shall be filed no later than five (5) days prior to the scheduled pre-trial conference date.

(e) In the event there is an appeal of a compulsory arbitration decision, the appeal date shall be regarded as a praecipe for trial for purposes of implementation of scheduling and timing for filing of pre-trial statements as set forth hereinabove.

(f) Butler County Mediation Program. Upon request of all parties, an agreement to submit a case to mediation may be filed to access the Butler County Mediation Program.

(1) The mediators shall be practicing attorneys from the Butler County Bar admitted at least ten (10) years with practice emphasis in civil litigation. The mediators will be selected by the assigned judge from a list maintained by the Prothonotary.

(2) Each party to a case submitted for mediation will pay a mediation fee as established by administrative order of court. The mediation fee will be utilized to compensate the mediator.

(3) The inclusion of cases in the Mediation Program of Butler County will be voluntary. The attendance of trial counsel and parties at the mediation conference shall be mandatory. A representative of any party's insurance company which may be involved in the case shall be available by telephone during the course of the mediation. If any party fails to appear, the mediation conference will not be held and the non-appearing party shall, within thirty (30) days, pay to the other party that party's attorney's fees and expenses in preparing for and attending the mediation conference, if said fees are assessed and recommended by the mediator.

(4) The parties to any civil case may voluntarily agree to submit a case for mediation through the Butler County Mediation Program by filing an agreement to submit and by paying the mediation fees. The form for said application is set as follows:



(6) Upon the Prothonotary's receipt of the returned proposed mediator assignment form from the parties, the Prothonotary shall docket the same and forward a copy thereof to Court Administration. The Court will then appoint the remaining proposed mediator to serve as mediator for the case. The Court Administrator shall schedule the mediation conference to be held within sixty days of the assignment of the case to a mediator. The conference may not be continued unless by Order of Court.

(a) Scheduling order format:

**IN THE COURT OF COMMON PLEAS OF BUTLER COUNTY, PENNSYLVANIA**

_____	:	CIVIL DIVISION
_____	:	
Plaintiff	:	
_____	:	
vs.	:	No. _____
_____	:	
_____	:	
Defendant	:	

**ORDER OF COURT**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2007, the Court hereby appoints \_\_\_\_\_ mediator. The mediation conference is hereby scheduled for \_\_\_\_\_ at \_\_\_\_\_ o'clock \_\_M. at \_\_\_\_\_.

\_\_\_\_\_ The conference may not be continued unless by Order of Court. The mediator shall file his or her report within twenty (20) days from the date of the mediation conference in accordance with Butler County L.R. C.P. L212.1(f)(9)

BY THE COURT,

\_\_\_\_\_

J.

(7) Cases which proceed to voluntary mediation, but do not get resolved, may apply for and be given preference on the trial list pursuant to Pa.R.C.P. 214(b).

(8) Mediation Statement. If no pre-trial statement as per the Pa.R.C.P. 212.2 has been filed as of ten (10) days prior to the mediation conference, then, at least ten (10) days prior to the mediation conference, each party shall file a mediation statement which must include the following:

- (a) party's succinct statement of position regarding liability and damages
- (b) significant legal issues involved, with citation of legal authority
- (c) medical reports
- (d) expert reports
- (e) itemized list of damages
- (f) last settlement posture and rationale

In the event a pre-trial statement has been previously filed, said pre-trial statement shall serve to provide the information required for a mediation statement. In the event any prior pre-trial statement requires updating or additional information to provide all categories for a mediation statement, said supplementation to the pre-trial statement shall be filed at least (10) days prior to the mediation conference.

If a party fails to timely file the mediation conference statement, the mediation conference may not be held and party who fails to timely file the required statement may be required to pay the attorneys fees and expenses of those parties who have timely filed their statements.

(9) Mediation Conference Report. Within twenty (20) days from the date of mediation conference, the mediator shall file with the Prothonotary a sealed mediation conference report which shall set forth the following:

- (a) Plaintiff's final settlement demand
- (b) Defendant's final settlement offer
- (c) Mediator's assessment of liability
- (d) Mediator's assessment of damages
- (e) Mediator's opinion regarding potential range of verdict and settlement

All parties will be provided with a copy of the mediator's conference report by the mediator. Upon receipt and docketing of the report, the Prothonotary shall forward the file, including the sealed report, to the assigned Judge. If the case has not been settled, upon motion of either party or on the Court's own motion, a status conference may be scheduled before the Court.

(10) Mediation communications and mediation documents shall be subject to the limitations on scope of Discovery and Deposition as per Pa.R.C.P. 4011(d) and 42 Pa.C.S.A. § 5949.

### **RULE L212.3 PRE-TRIAL PROCEDURES.**

(a) Pre-Trial Settlement Conferences. In addition to matters set forth in Pa.R.C.P. 212.3 for consideration at a pre-trial conference, the Court will consider, and attempt to resolve all motions in limine filed up to that time. It is encouraged that all known or anticipated pre-trial motions in limine be presented prior to or at the pre-trial conference.

(1) Each party, corporation and insurance carrier of a party who has an actual interest in the case, or can have an effect on the settlement of the case, shall be personally present at the pre-trial settlement conference. Said party or representative must be authorized to speak for such party, corporation or insurance carrier with respect to the trial and settlement of the case. The Court may, upon appropriate requests of counsel, for good cause, permit a party or representative to appear by telephone rather than in person.

(2) Attorneys present at the pre-trial conference must have complete authority to enter into stipulations concerning liability and other trial related and evidentiary issues.

(3) Settlement negotiations may be considered at the pre-trial conference.

(4) At least five (5) days prior to the pre-trial settlement conference all plaintiffs shall have made a bonafied written demand and proposal for settlement to all opposing counsel and non-represented parties. By the time of the pre-trial settlement conference, each defendant or additional defendant shall respond in writing to such written demand.

(b) Civil Trial Status Reports. Counsel for the parties shall file a civil trial status report in the form set forth herein. Said status report shall be filed no later than noon on the Wednesday preceding jury selection. The civil trial status form may be filed in person, or by facsimile transmission to the Office of Court Administration at 724-284-5185.