

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

CIVIL DIVISION

IN RE: RULES OF COURT OF)	No. <u>RD-2</u> of 2000
COMMON PLEAS OF)	Rules Docket
ALLEGHENY COUNTY,)	
PENNSYLVANIA)	

ORDER OF COURT

AND NOW, to-wit, this 18th day of April, 2000, pursuant to action of the Board of Judges, the within local Rule 205.4 affecting the Civil Division of the Court of Common Pleas is adopted, effective thirty (30) days after publication in the Pennsylvania Bulletin.

BY THE COURT:

Robert A. Kelly

 ROBERT A. KELLY
 PRESIDENT JUDGE

ALLEGHENY COUNTY PROthonary

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FILED

LOCAL RULE 205.4

(a) Except as otherwise provided by subsection (b) of this rule, parties may file legal papers, including original process, with the Prothonotary by means of electronic filing in any civil action or proceeding at law or in equity brought in or appealed to the court, including any action pursuant to the Eminent Domain Code of 1964 or the Municipal Claims Act of 1923. Parties may also file with the Prothonotary by means of electronic filing the following matters:

REPORTS

Annual Audit
Bond of Tax Collector
Cemetery Report
Oath of Office
Tax Collector Report

LIENS/SCIRE FACIAS

Commercial Broker Lien
Commonwealth Tax Lien
Condominium Lien
Declaration of Covenant Lien
Environmental Resources Lien
Federal Judgment Lien
Foreign State Tax Lien
Mechanic's Lien
Municipal Lien
No Lien Agreement
Pension Benefit Lien
Planned Community Lien
Scire Facias sur Municipal Lien
Scire Facias sur Tax Lien
Unemployment Compensation Lien

FOREIGN JUDGMENT/EXECUTION

Foreign Execution
Foreign Judgment
Assurance of Voluntary Compliance

Note

A "legal paper" within the meaning of the first sentence of subsection (a) means a pleading or other paper filed in any civil action or proceeding at law or in equity.

(b) The following legal papers may not be filed with the Prothonotary by means of electronic filing:

(1) Legal papers relating to any action governed by Pa.R.C.P. Nos. 1901-1920.92 and any legal papers filed pursuant to Pa.R.C.P. Nos. 1930.1-1940.8.

Note

Subsection (b)(1) excludes Domestic Relations Matters. Local Rules governing the filing of legal papers by means of electronic filing in Domestic Relations Matters will be included in separate Allegheny County Local Rules relating to Domestic Relations Matters.

(2) A notice of appeal from an award of a board of arbitrators or a notice of appeal or other legal paper, the filing of which is prescribed by the Rules of Civil Procedure Governing Actions and Proceedings before District Justices.

Note

The legal papers described in this subsection (b)(2) cannot be filed through electronic filing. See Pa.R.C.P. No. 205.4(a)(2).

(3) Any legal papers relating to the revival and the enforcement of judgments other than legal papers filed pursuant to Pa.R.C.P. Nos. 3031, 3117, 3118, 3119, 3142, 3143(d), (f), (g) & (h), 3144, 3145, 3146, and 3149.

Note

The legal papers described in subsection (b)(3) are excluded from electronic filing because of the Sheriff's involvement with these matters.

(4) Any original process other than (i) original process filed to commence an action or (ii) original process that will not be served by a Sheriff.

Note

It is feasible for the Prothonotary to collect the fees and costs for service by the Sheriff only for original process filed to commence the lawsuit. Subsection (b)(4) excludes from electronic filing original process that will be served by the Sheriff and which does not commence the action, including a reissued writ of summons, a reinstated complaint, a writ to join an additional defendant, and a complaint joining an additional defendant.

There are instances in which original process is not required to be served by a Sheriff, including original process filed in actions described in Pa.R.C.P. No. 400(b), original process that will be served outside the Commonwealth, and original process that will be served pursuant to an Acceptance of Service. Any original process may be filed electronically if the party filing the original process instructs the Prothonotary that the original process shall not be delivered electronically to the Sheriff by the Prothonotary. Under local practice, the Prothonotary does not deliver to the Sheriff original process commenced with a paper filing.

(5) In General Docket cases, (i) preliminary objections, (ii) motions for judgment on the pleadings, or (iii) motions for summary judgment.

Note

The matters described in subsection (b)(5) are excluded from electronic filing because at this time it is not feasible to alter the existing procedure under which these matters are presented to a motions clerk or an argument clerk before being filed in the Office of the Prothonotary.

(6) In compulsory arbitration cases, (i) preliminary objections, (ii) petitions, or (iii) motions.

Note

The matters described in subsection (b)(6) are excluded from electronic filing because of the practice of furnishing an argument date to the party filing the matter at the time of the filing.

(7) The following matters:

- Health Department Judgments
- Housing Court Judgments
- Confession of Judgments
- ACBA Fee Dispute Judgments
- Judgment Rolls
- Orphan's Court Judgments
- PHEAA Judgments
- Pennsylvania Agency Judgments
- Workers' Compensation Judgments
- District Justice Transcripts
- Exemplification of Records
- Amicable Ejectments
- Petition for Name Change

Note

At this time, it is not feasible for the Prothonotary to receive through electronic filing the matters described in subsection (b)(7).

(c) The filing party shall maintain the original hard copy of any legal paper that is electronically filed.

(d) The Prothonotary shall provide electronic access at all times. The time and date of the filing and receipt shall be that registered by the Prothonotary's computer system.

(e) the website address of the Prothonotary is as follows:
WWW.PROTHONOTARY.COUNTY.ALLEGHENY.PA.US.

(f) Access to the website shall be available to an attorney by use of the attorney's Supreme Court identification number issued by the Court Administrator of Pennsylvania. Access is also available to any other user by the user selecting any numbers or letters that the user wishes to use as an identification number.

(g) The Prothonotary shall maintain an electronic and a hard copy file for the legal papers described in the first sentence of section (a). The Prothonotary is not required to maintain a hard copy file for the legal papers described in the second sentence of section (a).

Note

In the future, it may be feasible to eliminate the requirement that the Prothonotary maintain a hard copy file for every civil action or proceeding at law or in equity.

(h) The procedures for payment of the fees and costs of the Prothonotary and the fees and costs for service by the Sheriff shall be set forth on the Prothonotary's website.

(i) The Prothonotary shall provide a filing status message to the filing party setting forth the date of and time of acceptance of the filing or the fact that the filing has not been accepted. A legal paper is not considered filed if the Prothonotary responds to the filing by notifying the filing party that the filing party has not (i) maintained sufficient funds to pay the fees and costs described in subsection (h) or (ii) authorized payment by credit or debit card of these fees and costs.

Note

A filing party accepts the risk that a document filed by means of electronic filing may not be properly or timely filed with the Prothonotary. See Pa.R.C.P. No. 205.4(e)(2). One of the risks is that the Prothonotary--either correctly or incorrectly--determines that the filing party has not met its obligation for payment of the necessary fees and costs.

(j) Electronic filing, as authorized by this Local Rule, also may be effected through the website of THE EXTENDED COURTHOUSE, INC. (a not-for-profit corporation), the address of which is www.techi.org. Electronic service of legal papers other than original process may be made through this website.

(k) This rule shall be rescinded on December 31, 2001 unless Pa.R.C.P. No. 205.4(h) is modified or rescinded.

Note

Pa.R.C.P. No. 205.4(h) provides that this rule shall be rescinded on December 31, 2001.