

IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY, PENNSYLVANIA

In Re: Rule *1303.- Hearing Notice

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No. 2022-003777


ADMINISTRATIVE ORDER

AND NOW, this 28th day of May, 2025, it is hereby ORDERED and DECREED that Rule *1303. is hereby RESCINDED and the attached Rule *1303. regarding Hearing Notices, is hereby adopted and effective immediately upon publication in the Pennsylvania Bulletin.

IT IS FUTHER ORDERED that in accordance with 201 Pa. Code Rule 103, the Solicitor for Internal Management shall:

- (a) File one (1) certified copy of this Order with the Administrative Office of the Pennsylvania Courts;
- (b) File two (2) certified copies of this Order with the Legislative Reference Bureau for publication in the Pennsylvania Bulletin;
- (c) Publish a copy of this Order on the website of the Delaware County Court of Common Pleas;
- (d) File one (1) certified copy of this Order with the Office of Judicial Support of the Court of Common Pleas of Delaware County; and
- (e) Forward one (1) copy of this Order for publication in the Delaware County Legal Journal.

BY THE COURT:


Linda A. Carlisano
President Judge

CERTIFIED A TRUE AND CORRECT

COPY FROM THE RECORD

THIS 28th DAY OF July, A.D. 2025

MARY J. WALK, ESQUIRE, DIRECTOR

OFFICE OF JUDICIAL SUPPORT


Pursuant to Rule *1303., the Rule is hereby amended as follows:

Rule *1303.- Hearing, Notice

- (A)(I)
- (i) All arbitration cases will be assigned a date and time for hearing at the time of the initial filing by the plaintiff or appellant from a judgment by a District Justice. In non-Landlord/Tenant matters, the hearing date shall be the first available date no less than 270 days from the date of initial filing. In all cases involving Landlord/Tenant disputes, the hearing date shall be the first available date no more than 120 days from the date of the initial filing.
 - (ii) A notice prepared and attached by the Office of Judicial Support shall indicate the hearing time and date, which notice shall be attached at the time of initial filing. The aforementioned notice shall be affixed both to the original and all service copies of the complaint or praecipe for writ of summons or, in the case of appeal from District Justice judgments, the notice of appeal.
 - (iii) The notice attached by the Office of Judicial Support to the original filing shall also include the following statement:

"This matter will be heard by a board of arbitrators at the time, date and place specified but, if one or more of the parties is not present at the hearing, the matter may be heard at the same time and date before a judge of the court without the absent party or parties. There is no right to a trial de novo on appeal from a decision entered by a judge."
 - (iv) In the case of a joinder complaint, the moving party shall provide to the parties being joined a copy of the original notice setting forth the time, place and location of the arbitration hearing, as well as a copy of the notice referred to in (a)(I)(iii).
 - (v) In no event shall less than thirty (30) days' written notice of the date, time and place of hearing be given to the parties or their attorneys of record.
- (b)(2) Should the court decide to hear the matter pursuant to Pa.R.C.P. 1303(b)(2), the trial court may choose to
- (i) enter a judgment of nonsuit if the plaintiff is not ready or fails to appear; or
 - (ii) enter a judgment of non pros if neither party is ready or appears; or

- (iii) hear the matter and make a decision, if the defendant is not ready or fails to appear.
- (b)(3) Should a nonsuit be entered under this Rule, it is subject to the filing of a motion under Rule *227. 1(a)(3) for post-trial relief to remove the nonsuit.
- (b)(4) Should a judgment of non pros be entered under this Rule, it is subject to the filing of a petition under Rule 3051 for relief from a judgment of non pros.
- (b)(5) Should an adverse decision be entered under this Rule against a Defendant who failed to appear, The Defendant may file a motion for post-trial relief which may include a request for a new trial on the ground of a satisfactory excuse for the defendant's failure to appear.

Comment: Amended January 9, 2007

- (c) When the amount in controversy, exclusive of interest, costs and delay damages; is reduced to a sum not in excess of Fifty Thousand Dollars (\$50,000.00) in accordance with the provisions of Rule *130l(b), the case shall forthwith be assigned a hearing date no less than 60 days from the date on which the stipulation is filed or the date of the court's order. The plaintiff shall promptly notify all other parties of the hearing date and time assigned by the Court Administrator.
- (d) The plaintiff may apply to the court to have a case originally filed as an arbitration matter certified as a non-arbitration matter. Such application shall be by motion filed in accordance with the provision of Rule *206(B).
- (e) In the event a case is settled or otherwise concluded it shall be plaintiff's responsibility to give prompt written notification thereof to the Court Administrator in the form of an order to settle, discontinue and end or an application for continuance pending consummation of the settlement.
- (f) All motions, with the exception of applications for continuance, must be filed no later than thirty (30) days before the hearing date.

Comment: Adopted February 9, 1999, clarified May 3, 1999.