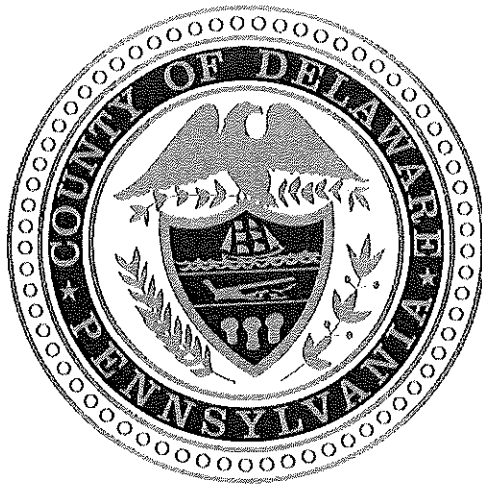


DELAWARE COUNTY COMPULSORY ARBITRATION MANUAL



September 1, 2026

The following descriptive manual is published for the information, use and convenience of any who may have contact with the Compulsory Arbitration Program of the Delaware County Court of Common Pleas. Nothing contained herein is intended as a local rule of court, pursuant to Pennsylvania Rule of Civil Procedure 239, or any other law or statute. All parties are cautioned to review the applicable Pennsylvania Rules of Civil Procedure, Delaware County Local Rules of Court and District Justice Rules.

**COMPULSORY ARBITRATION
STANDARD OPERATING PROCEDURE
DELAWARE COUNTY**

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STANDARD OPERATING PROCEDURE – COMPULSORY ARBITRATION
DELAWARE COUNTY

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STANDARD OPERATING PROCEDURES – COMPULSORY ARBITRATION
DELAWARE COUNTY

Delaware County Rules of Civil Procedure provide that any civil matter where the amount in controversy does not exceed Fifty Thousand Dollars (\$50,000.00) will proceed through compulsory arbitration, effective June 1, 1993. 42 Pa.C.S.A. 7361; Del. Co. R.C.P. 1301.

ARBITRATORS

The Delaware County Bar Association supplies to the Court a list of practicing attorneys, admitted to the Bar of Pennsylvania. This list is composed of attorneys who devote their full time to the practice of law, are members of the Delaware County Bar Association and have offices in Delaware County. Attorneys are randomly selected therefrom to sit as an Arbitrator. The Bar Association also compiles and presents the Court a list of attorneys who have practiced law for at least ten (10) years and practiced within the county for at least (3) years. It is from this list that the Court selects Chairpersons for each Arbitration panel.

The Delaware County Bar Association also supplies a list of lawyers who are willing to commit themselves to serve beyond the estimated four (4) days per year they are required to support the normal certification program and who are willing to serve as the need arises due to some unforeseen emergency.

All of the foregoing lists are subject to approval and supplementation by the President Judge, or his or her designee. The list of attorneys are incorporated into the Court's case management system for use by court staff of selecting panels.

LENGTH OF ASSIGNMENT

Arbitrators sit on selected working days of the year. There are usually two (2) panels of three (3) arbitrators each who must expect to serve for a full day. Each panel is expected to complete the cases assigned to it. Should a particular panel not complete its last assigned case at the day's end, it is the panel's obligation to complete that case as soon as possible. The Chairperson must schedule the date for completion through the Court Administrator's Office and give notice to all parties involved, including the other members of the arbitration panel.

COMPENSATION

Each arbitrator is paid Two Hundred Dollars (\$200.00) per day. Should a panel sit for only one-half (1/2) day, that sum is reduced to One Hundred Dollars (\$100.00). Prior to departure each arbitrator must complete a "Attorney Information Form" (Appendix #2) which will be provided by the arbitration staff.

NOTICE OF SERVICE

Each arbitrator will receive at least ninety (90) days' notice of the date he or she will be sitting as an arbitrator. It is the Court's understanding that the Delaware County Bar Association has committed itself and, therefore, each of its members, to this program. Our statistics indicate that well over 3000 cases a year are filed, and that each attorney will be called at least once per year to serve. Those who volunteer to be included on the emergency list will be committing themselves to serve beyond the minimum time commitment.

EXCUSE FROM SERVICE

Any panel member seeking to be excused from serving on the date for which notice has been received is expected to immediately notify the Court through the Delaware County Court Administrator's Office, Arbitration Department, of the reason for that excuse and confirm such in writing. The 'tear off' portion of the **Notice to Serve**, when completed, will suffice (Appendix #3). When an attorney is excused from serving as an arbitrator, that attorney will immediately be assigned a new date.

ATTACHMENT

The Delaware County Board of Judges will recognize service as an arbitrator as an attachment when otherwise assigning trial or hearing dates.

ARBITRATION HEARING

Each arbitrator will report to the Arbitration Assembly Room at 9:15 A.M. Cases are assigned to an arbitration panel on a first come, first served basis and will be decided by that panel on the day of the hearing unless of course the panel cannot complete the arbitration that day. The panel will complete such a continued arbitration as soon as possible. Each chairperson will be provided with a printout of "**General Instructions**" prior to the panel's first arbitration (Appendix #4).

The awards will be entered upon forms which will be provided to the panel. (**Report and Award of Arbitrators Form**, Appendix #5; **Tax Assessment Award Form**, Appendix #6). The chairperson will be responsible for submitting the fully completed and signed award form to the arbitration clerk on duty in the Arbitration Assembly Room for filing with the Office of Judicial Support. Chairpersons must state the total amount of each award, the party or parties to whom it is awarded, and specify whether the liability is joint and several. Chairpersons shall further state if any delay damages are

applicable pursuant to Pennsylvania Rule of Civil Procedure 238. It is important that the disposition of all Cross and Counter claims be recorded on the award form. The appropriate award form must be completed and signed by all members of the panel before they leave the Court House that day. The only exception is where a case has not been completed on the assigned day and must be continued to another day. In that situation, the award form must be submitted to the Court through the Court Administrator on the date of completion.

Once the file and award form are returned to the arbitration clerk the chairperson will then receive the next case to be heard. This process will continue until the day's list has been completed. The chairperson need not publicly announce the award. Any party wishing to know the status of an undocketed award may obtain it at the Arbitration Assembly Room after the award form has been submitted and prior to the end of the day on which that hearing was assigned, otherwise that information will be available through the Office of Judicial Support ("OJS") . The award may be viewed by searching the case on the County's Public Access link on the County's website at Delco.gov.

In the event one or more of the parties is not present at the arbitration, the matter shall be referred to a trial Judge without the absent party or parties. Should the trial Judge decide to hear the matter, the trial Judge may choose to (1) enter a judgment of nonsuit if the Plaintiff is not ready or is not present or (2) enter a judgment of non pros if neither party is ready or appears or (3) hear the matter and make a decision, if the defendant is not ready or fails to appear. (See Local Rule 1303(b)(2))

In the event a trial Judge decides the matter, the parties have no right to a trial de novo on appeal from the Judge's decision. Should the trial Judge enter a nonsuit, a party may file a motion under Pa.R.C.P. 227.1(a)(3) for post trial relief. Should the trial Judge enter judgment of non pros, a party may file a petition under Pa.R.C.P. 3051 for relief. See Local Rule 1303(b)(4))

SANCTIONS- ARBITRATORS

Good faith participation by every member of the Bar of Delaware County and the Bench is essential to the success of the program. It is not anticipated that the imposition of sanctions will be necessary. However, unnecessary absences of members from the panel create serious problems, including delay, increased cost and inconvenience. These unexcused absences have also given rise to criticism of Delaware County arbitration program in the past. Such behavior impairs the operation of the program by materially degrading the efficiency and credibility of the program. Any member of a panel who fails to appear without being excused will be subject to sanctions imposed by the Court. It is understood that the Delaware County Bar Association will similarly consider imposition of sanctions.

FORMS

All forms necessary for the conduct of the arbitration program will be available in the Court Administrator's Office located on the first floor of the Delaware County Court House. The arbitration continuance form may be completed online and can be found on the County's website in the OJS forms section or Court Administration form section. If you have any questions, you can contact the Arbitration Administrator or a staff member at 610-891-4560. Those forms are also included in the Appendix to this manual.

FILING – ARBITRATION DATE

All initial filings must be E-Filed through the Office of Judicial Support. An initial filing consists of either a Complaint, a Writ of Summons or an Appeal from a District Justice.

The Office of Judicial Support will attach a Notice, setting forth the trial date and time, to the original and all service copies of the complaint or praecipe for writ of summons, in the case of an appeal from a District Justice

judgment, the notice of appeal. No further notice of the trial date will be given. (Appendix #6).

Please note that **Landlord -Tenant** appeals from a Magisterial District Court Judge shall be given a date approximately **four (4) months** from the initial filing in OJS. **All other type of civil actions/appeals** shall be given an arbitration hearing date approximately **nine (9) months** from the date of initial filing in OJS.

The notice includes a statement which states that if one or more of the parties is not present at the hearing, the matter may be heard on the hearing date by a trial Judge without the absent party or parties. There will be no right to a trial de novo on appeal from a Judge's decision. (See Local Rule 1303(a)(1)(iii))

The trial date will not be greater than Two Hundred Seventy (270) days from the date of filing that initial document. This requirement obviously, eliminates any automatic certification date of one year or otherwise as to arbitration trials (See Local Rules *241, *1303(a)(1)).

Copies of initial filings to be served on other parties must clearly indicate the trial date and time assigned for that case. All counsel should confirm this date as it constitutes the sole notice of the trial date. The filing party must ensure that this is done. It is the duty of any party filing an initial pleading to serve all parties according to the law. (See Local Rule 1303(1)(4) for joinder complaints). The Office of Judicial Support will provide the Court Administrator with copies of all certificates filed each day from which the Court Administrator will prepare a trial list.

Any subsequent pleading necessitating a pretrial judicial decision will be filed in the usual manner in the Office of Judicial Support. Such will be forwarded to the Court Administrator's Office by the Office of Judicial Support upon the expiration of twenty (20) or thirty (30) days as the case may be (Local Rules *1028 and *206B). When the time for responsive pleadings has expired the file will be sent by the Court Administrator's Office to the Supervising Judge

for disposition. Any such filings must therefore be accomplished so as not to delay the assigned trial date. All pretrial petitions, motions or applications must be filed prior to the thirtieth day next preceding the trial date so that the trial will not be delayed by the time necessary for appropriate consideration and disposition by the Court. Del. Co. Local Rule 1303(f).

Cases will be listed to start promptly at 9:30 A.M. on the trial date. Parties are expected to appear "trial ready" at the designated hour in the Arbitration Assembly Room.

CASES REMANDED TO ARBITRATION

When a matter is ordered to arbitration by the assigned trial judge, an arbitration trial date and time will be set in the order of that Judge. NO FURTHER NOTICE OF TRIAL DATE OR TIME WILL BE GIVEN. The Office of Judicial Support mails notice of all Court Orders pursuant to Pennsylvania Rule of Civil Procedure 236. That trial date will be the latter of the first available date following the original trial certification date (Local Rule *241) or the first available date not less than sixty (60) days from the date of the Court's Order mandating arbitration. It will be the plaintiff's responsibility to promptly notify all other parties of this new hearing date. (See Local Rule *1303©).

SUPERVISING JUDGE

The Court's Civil Liaison Judge has been designated by the President Judge to supervise all other aspects of the arbitration program. The judge presently assigned to the responsibilities of Supervising Judge is the Honorable George A. Pagano. It should be noted that pretrial matters should in no way delay trial. Therefore, pretrial motions should be filed by counsel as soon as the grounds become apparent and prior to thirty (30) days preceding the arbitration date, See Local Rule *1303(f), otherwise sanctions may be incurred at the discretion of the Court.

CONTINUANCES

The Board of Judges, as a matter of policy, have unanimously resolved that all continuance requests will be most conservatively considered, and no continuance will be granted without good cause. It is, therefore, expected that all matters will be ready for arbitration and tried on the assigned hearing date. Any request for continuance must be submitted as soon as the ground is realized.

All continuance applications must be made upon the “**Application for Continuance**” form found in the Court Administrator’s Office and the OJS website in the forms section. (Appendix #7). All information required on the continuance form must be supplied or it will not be processed. The completed form can be efiled with OJS. A copy may also be submitted to the Court Administrator’s Arbitration Office to the Arbitration Administrator. The administrator will make a recommendation and should the parties object to that recommendation then the application will be taken to the Supervising Judge. Should a hearing be necessary, the Supervising Judge and/or Arbitration Administrator will advise the parties accordingly. Any matter continued will be rescheduled for a date certain at the time the continuance is granted.

Applications should be made through the County’s electronic filing system. The movant must notify all parties of the reason for the continuance and the result of the application. There is no basis to assume a continuance will be granted, no matter who agrees to it.

MOTIONS

All pretrial motions other than continuance applications must be filed prior to the thirtieth day preceding the arbitration trial date. Del. Co. Local Rule 1303(f). All petitions, motions and answers must be accompanied by a form of proposed order fairly encompassing the relief requested. Del Co. Local Rule 206 B1(c) and (d).

ARBITRATION ASSEMBLY ROOM

A room has been designated where attorneys, clients and witnesses are to gather on the assigned trial date. All attorneys, clients and witnesses in matters listed for 9:30 A.M. must report at 9:30 A.M. This room is located on the Passover hall connecting the older Court House Building to the newer Government Center Building. It can be approached from the first floor in the Court House or the second floor in the Government Center Building. Attorneys or parties appearing for trial should report to the arbitration clerk on duty. Cases will then be assigned, beginning at 9:30 A.M., to one of the arbitration panels. Should any conflict become apparent as a result of the assignment of a particular panel to a given case, that conflict should be brought immediately to the attention of the arbitration panels. Should any conflict become apparent as a result of the assignment of a particular panel to a given case, that conflict should be brought immediately to the attention of the arbitration clerk on duty. The matter will be resolved so as not to postpone trial.

Cases are assigned for arbitration five (5) days a week. Many of these cases which are initially listed will, of course, be resolved by settlement, discontinuance or other disposition. It is the plaintiff's responsibility, pursuant to Local Rule *1303(e), to give prompt written notification to the Court Administrator when a case is concluded prior to trial. Failure may result in sanctions representing the monetary burden thereby caused. In the event an arbitration is anticipated to last longer than three (3) hours, it is strongly recommended that the attorneys or unrepresented parties notify the arbitration clerk at least 24 hours prior to the hearing.

The Arbitration hearing rooms are in the Arbitration Assembly room. The Court Administrator's Office may assign different or additional hearing rooms depending on needs of the Court.

The arbitration panels will dispose of all cases assigned. Should no party appear when the case is called, that case will be assigned to an

arbitration panel and that panel will enter an award in favor of the defendant(s). Should one or more of the parties fail to appear, the panel will proceed according to Pennsylvania Rule of Civil Procedure 1304(a).

The arbitration clerk on duty will file all award forms with the Office of Judicial Support and collect a "County of Delaware Check Request" form from the chairpersons for processing.

APPEALS

The Board of Judges has unanimously agreed that an appeal from an arbitration will receive trial dates within sixty (60) days of the date of the appeal. (See **Appeal Form**, Appendix #8)

The current cost to be posted by an appellant, which must be paid at the time of the appeal, is Three Hundred Ninety One Dollars and Seventy Five Cents (\$391.75), subject to the provisions of Pennsylvania Rule of Civil Procedure 1308(a)(2). The cost is paid at the Delaware County Treasurer's Office.

An appeal from an award must be taken by filing a notice of appeal with the Office of Judicial Support no later than thirty (30) days after entry of award on the docket. Pennsylvania Rule of Civil Procedure 1308(a)(1).

SANCTIONS

Sanctions in the amount of One Hundred Dollars (\$100.00) have been imposed for failure to promptly notify the Court Administrator that a case has been concluded, where such failure results in the necessity of a petition to vacate the award of arbitrators. The amount is based upon the actual expense to the Court system.

RULES

Delaware County Rules of Civil Procedure *76, *241, *1007, *1301, *1302, *1303, *1305, *1308 and D.J. *1002 accommodate the arbitration program. (Appendix #10.) The arbitration program will not affect the automatic certification date set forth in Local Rule *241 as it applies to non-arbitration cases. The automatic certification form must be completed and filed in duplicate with all initial filings arbitration or non-arbitration. Local Rule *1007; This includes an appeal from a Magisterial District Judge decision.

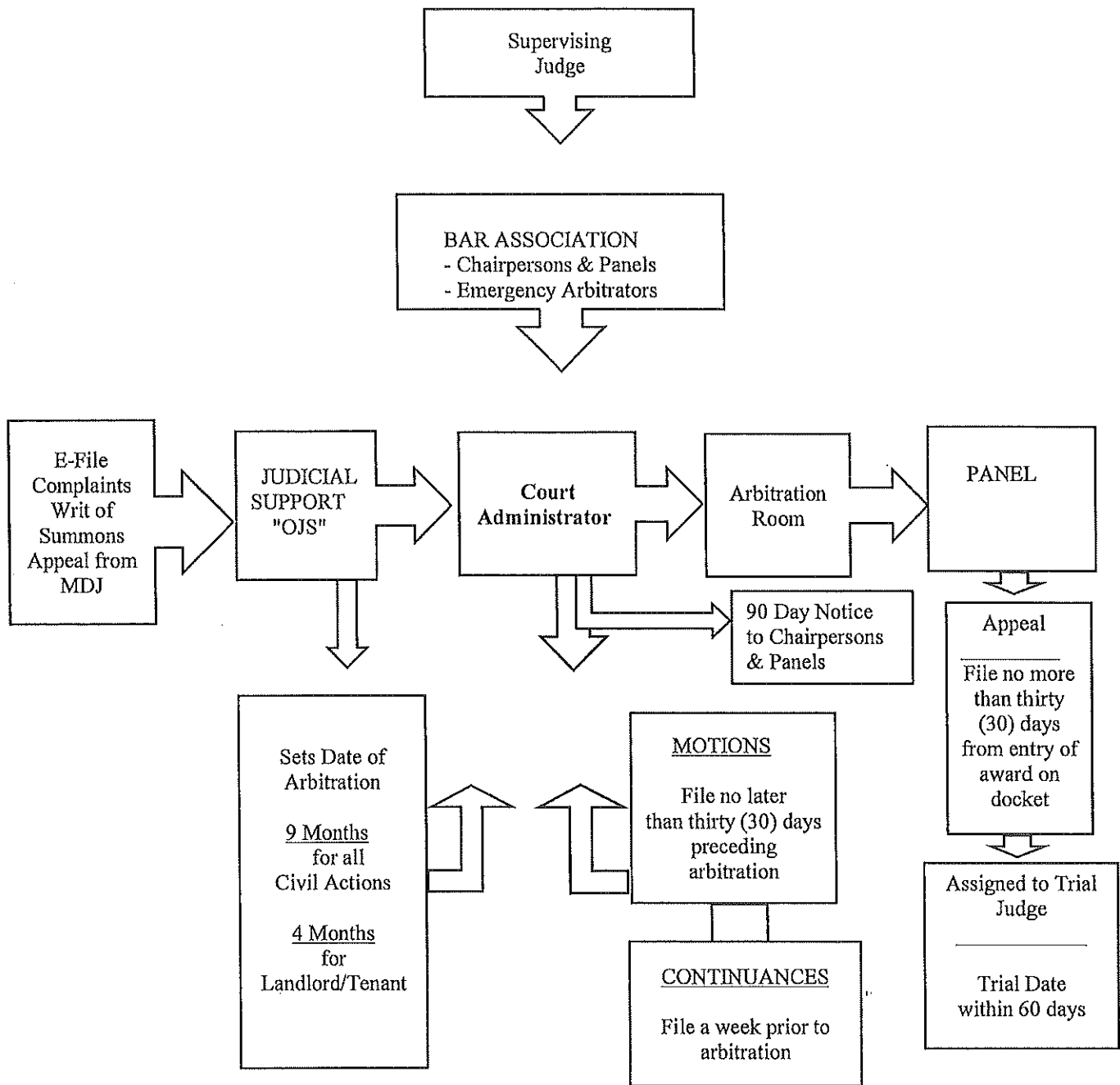
When E-Filing a complaint or writ, please complete the Civil Cover Sheet pursuant to Pa. R.C.P. 205.5. (Appendix # 9). Delaware County's Local Rule of Civil Procedure *1305(b) which expands Pennsylvania Rule of Civil Procedure 1305(b) has been reenacted.

STIPULATION

Before assignment to a trial judge, any case may be removed from the non-arbitration category by stipulation of all parties. That Stipulation must be filed in the Office of Judicial Support and the Court Administrator's Office (Local Rule *130(b). See also Local Rule *241. When a trial judge has been assigned, then such stipulation must be approved by that judge (Local Rule *1301(b)). All such stipulations shall be filed with the Office of Judicial Support and the Office of the Court Administrator.

Where plaintiff seeks to have an arbitration case classified as a non-arbitration matter, a party must file a Stipulation or Motion to Transfer the case to a Major Trial list. This filing must then be approved by the Supervising Judge for Arbitration.

When a case is resolved so that further court time is unnecessary, it is the plaintiff's responsibility to give prompt written notification thereof to the Court Administrator (Local Rule *1303(e)). Please also file a Praecipe to Settle , Discontinue and End with OJS.



OFFICE OF THE COURT ADMINISTRATOR
ARBITRATION

ATTORNEY INFORMATION FORM

*Must be completed by all Chairmen and Panel Members to receive payment
(blue ink only)*

ATTORNEY ID: _____

LAST NAME: _____

FIRST NAME: _____

ADDRESS: _____

☐ This is my Personal Address

☐ I am an employee of Delaware County

☐ This is my Law Firm Address

☐ I am an employee of Delaware County Court of Common Pleas

Office: _____

FOR OFFICIAL USE ONLY

☐ Half Day

☐ Full Day

Time Out _____

Date: _____

Vendor No. _____

Amount due: \$ _____

Request # _____

By: _____



GERALD C. MONTELLA, ESQ.
DISTRICT COURT ADMINISTRATOR

LINDSAY N. WOLF
DEPUTY DISTRICT COURT ADMINISTRATOR

OFFICE OF THE COURT ADMINISTRATOR
32ND JUDICIAL DISTRICT
DELAWARE COUNTY COURTHOUSE
201 WEST FRONT STREET
MEDIA, PA 19063-2708
610-891-4550
Fax: 610-566-9128

<https://delconew.azurewebsites.net/courts/administration/>

Denise L. Hansen
Family Court Administrator
Nicole M. Brungard, Esq.
Civil Court Administrator
Nancy L. Alkins
Jury Administrator
Christina V. Hayes, Esq.
Municipal/Motion Hearing Administrator
Charles E. McDonald, Esq.
Criminal Court Administrator
Kenneth Sexton, Esq.
Arbitration Administrator

November 19, 2024

NOTICE TO SERVE AS ARBITRATOR

Counsel:

Pursuant to the Court's Arbitration Procedures, you have been appointed to serve as an Arbitrator for Civil Arbitration on:

DATE at 9:15 AM

Please report promptly for your panel assignment to:

Arbitration Assembly Room
Courthouse Complex
Media, PA

As an Arbitrator, you **MUST** make yourself available for a full day. The Court Administrator's Office will presume this date is satisfactory unless you contact the Arbitration office at (610) 891-8757 upon receipt of this Notice. If you are unable to attend, we further ask that you complete the bottom portion of this Notice and return it to Arbitration Office immediately. Please keep a copy for your records.

To minimize scheduling conflicts, please call the Arbitration Office, (610) 891-8757, at least 48 hours **prior** to your date of service to confirm your attendance. Thank you for your anticipated courtesies.

Please be advised I will not be able to serve on the above referenced date because:

Signed: _____

Date: _____

You must complete and return this notice if unable to serve

GENERAL INSTRUCTIONS TO CHAIRPERSONS

Keep in mind that most arbitration cases have been scheduled for nine months giving the parties ample time for preparation and discussions. The panel should not waste time trying to conduct settlement negotiations or researching the law for the parties. **Other cases are waiting to be heard.**

A panel member may ask questions for clarification purposes. However, when a party is poorly prepared for the arbitration hearing, **it is important not to try the case in an effort to be helpful.** It is not the panel's job to make the case nor is it fair to the other side (Pro Se should try their own case the Panel may seek clarification, if necessary). Hear the case as presented and enter an Award based on the evidence presented.

Please be aware that only the Court can continue a case, amend a pleading, or rule on most motions whether outstanding or made orally by one of the parties at time of trial. Other than evidentiary issues, if there are any conflicts to be resolved or other problems regarding the conduct of a case, you are directed to contact the Arbitration Administrator. If there is such an issue, please take a short recess before proceeding further with the case

After a case is finished and the panel has deliberated, the Chairperson should fill out the Report and Award of Arbitrators sheet. The Award shall dispose of all Claims for Relief and each party to the suit must be accounted for. A dissenting vote **without further comment** may be noted on the Award Sheet.

WHEN FILLING OUT THE AWARD, PLEASE TAKE THE TIME TO PRINT CLEARLY SO THERE IS NO MISUNDERSTANDING THE PANEL'S INTENT.

To insure a uniform schedule, lunch should be taken from 1:00 PM to 2:00 PM, if necessary. Do not leave the file behind. **The Chairperson must hand the file to a member of the arbitration staff** in the Arbitration Assembly Room before leaving for lunch. When the panel reconvenes after lunch, the Chairperson may pick the file up at that time.

[Attached is a copy of Pa.R.C.P. 1305 & Local Rule 1305 for your reference]

COURT OF COMMON PLEAS
DELAWARE COUNTY, PENNSYLVANIA

CASE CAPTION: v.	DOCKET NO: TAX FOLIO NO: ARBITRATION <i>(Please indicate type of act)</i> () Motor Vehicle () Contract () Assessment of Damages () Other _____ () Delay Damages (Prime Rate + 1%)
--	---

REPORT AND AWARD OF ARBITRATORS

NOW, this _____ day of _____, 20____, we the undersigned Arbitrators having been duly appointed and sworn, make the following Award:

Please name the parties if there are more than one Plaintiff and/or Defendant, address all counterclaims and cross-claims, and complete percentage of negligence, if applicable.

Chairperson <i>(Please print)</i>	Arbitrator <i>(Please print)</i>	Arbitrator <i>(Please print)</i>
Chairperson Signature	Arbitrator Signature	Arbitrator Signature

COUNSEL FOR PARTIES

Attorney	ID#	Attorney	ID#
Attorney	ID#	Attorney	ID#
Attorney	ID#	Attorney	ID#

**COURT OF COMMON PLEAS
DELAWARE COUNTY, PENNSYLVANIA**

CASE CAPTION: _____

DOCKET NO: _____

FOLIO NO: _____

ARBITRATION

(Please indicate Type of Act)

☐ ASSESSMENT OF DAMAGES

☐ DELAY DAMAGES

(Prime Rate + 1%)

**REPORT AND AWARD OF ARBITRATORS
TAX ASSESSMENT APPEAL**

Now, the _____ day of _____, 20____, we the undersigned arbitrators, having been duly appointed and sworn, make the following award:

FAIR MARKET VALUE: _____

COMMON LEVEL RATIO: _____

ASSESSMENT: _____

ASSESSMENT CHANGE EFFECTIVE: _____ (Year)

Please name the parties if there are more than one plaintiff and/or defendant. Please address all counterclaims and cross-claims. Please complete percentage of negligence on reverse side if applicable.

Chairperson

Print name, address and ID #

Arbitrator

Print name, address and ID #

Arbitrator

Print name, address and ID #

COUNSEL FOR PARTIES

Attorney and ID #

Attorney and ID #

Attorney and ID #

Attorney and ID #

Attorney and ID #

Attorney and ID #

IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY, PENNSYLVANIA
OFFICE OF THE COURT ADMINISTRATOR

Application for Continuance

For Electronic Filing only

v. _____ : No. _____
: Current Hearing Date: _____
: Time: _____

- ☐ ARBITRATION
☐ LICENSE SUSPENSION APPEAL ☐ MISCELLANEOUS MOTION HEARING LIST

If you have a conflict due to another trial/hearing, please list case name, court term number, County and Judge. All non-Court conflicts shall be specifically stated as to circumstances.

Reason for Continuance: _____

PLEASE CHECK ALL BOXES THAT APPLY

☐ I have contacted all represented/self-represented parties who ☐ Approve of this continuance.

This continuance requested by: ☐ Attorney for Plaintiff ☐ Self-Represented Plaintiff
☐ Attorney for Defendant ☐ Self-Represented Defendant

☐ This continuance is opposed by: ☐ Attorney for Plaintiff ☐ Self-Represented Plaintiff
☐ Attorney for Defendant ☐ Self-Represented Defendant

I, the undersigned, do hereby request the Court to grant a continuance in the above referenced case and agree to the new date and time. I certify that upon receipt of this application from the Court, I will notify all represented/self-represented parties of the new hearing date and time.

Name: _____ Date: _____ Signature: _____

FOR OFFICIAL USE ONLY

New Hearing Date: _____ Time: _____ ☐ AM ☐ PM

☐ MUST BE TRIED – No further continuances unless granted by Judge

The Office of the Court Administrator recommends: ☐ Approval ☐ Disapproval

Name: _____ Date: _____

Disapproved because: _____

Application for Continuance is: ☐ Approved ☐ Disapproved

Judge: _____ Date: _____

Disapproved because: _____

**DELAWARE COUNTY COURT OF COMMON PLEAS
APPEAL FROM ARBITRATION AWARD**

CASE CAPTION:

NO. _____

TRIAL DATE: _____

AWARD DATE: _____

APPEAL DATE: _____

COMPANION CASE (IF ANY)

Notice is given that (party's name): _____
appeals from the award of the board of arbitrators entered in this case.

☐ A jury trial is demanded. (Check box if a jury trial is demanded. Otherwise jury is waived,
see Pa. R.C.P 1007.1 (b).)

I hereby certify that: (check one box)

☐ the compensation of the arbitrators has been paid, or

☐ application has been made to proceed in forma pauperis.

Plaintiff's Attorney

Defendant's Attorney

Name

Name

Address

Address

Phone

Phone

Name

Name

Address

Address

Phone

Phone

*Include additional names and addresses on back of form.

Name and address of any Unrepresented Party: _____

Signature: _____ Date: _____

INSTRUCTIONS: This form must be completed in its entirety. No affidavit or verification is required. File in triplicate with the Office of Judicial Support. File separate appeal forms for each companion case.

When a defendant in an action before a magisterial district court appeals the decision to the court of common pleas, the plaintiff in the action before the magisterial district court shall complete the cover sheet when filing the complaint with the prothonotary.

(b) The prothonotary shall not accept a filing commencing an action without a completed cover sheet.

(c) The prothonotary shall assist a party appearing pro se in the completion of the form.

(d) A judicial district which has implemented an electronic filing system pursuant to Rule 205.4 and has promulgated those procedures pursuant to Rule 239.9 shall be exempt from the provisions of this rule.

Rule 1301. Scope.

These rules apply to actions which are submitted to compulsory arbitration pursuant to local rule under Section 7361 of the Judicial Code, 42 Pa.C.S. § 7361.

Official Note

This continues the existing practice under which in the absence of a rule of the Supreme Court each common pleas court may determine whether there shall be arbitration in its judicial district, the kind of cases to be arbitrated and the jurisdictional amount within the limits fixed by Section 7361(b) of the Judicial Code.

Rule 1302. List of Arbitrators. Appointment to Board. Oath.

(a) A list of available arbitrators shall be prepared in the manner prescribed by local rule. The list shall consist of a sufficient number of members of the bar actively engaged in the practice of law primarily in the judicial district in which the court is situated so as to be fairly representative thereof.

(b) The board of arbitrators shall consist of three members of the bar appointed from the list of available arbitrators as prescribed by local rule.

(c) The board shall be chaired by a member of the bar admitted to the practice of law for at least three years.

(d) Not more than one member or associate of a firm or association of attorneys shall be appointed to the same board.

(e) A member of a board who would be disqualified for any reason that would disqualify a judge under the Code of Judicial Conduct shall immediately withdraw as an arbitrator.

(f) Each arbitrator shall take an oath of office in conformity with Section 3151 of the Judicial Code.

**Delaware County
Court of Common Pleas**

Local Rules of

CIVIL PROCEDURE

Delaware County Civil Rules

er with each other and all counsel to place of the mediation session pur- Unless specifically requested by the ill not contact or forward documents al who are primarily responsible for ited party shall attend the mediation and principals of parties of decision- and the mediation session in person, xcused by the co-mediators for good vent, they must be available by tele- sessions. All parties, insurers, princi- prepared to fully discuss all liability participate in meaningful settlement

lly comprised of an experienced mem- nd an experienced member of the De- ference the case, attempting to facili- standard mediation practices, including ing, etc.), or they may give a neutral rs cannot be called as a witness as to arising therefrom. All communications the parties, and/or their counsel shall comments and/or opinions expressed dvisory only. All counsel, parties, their ives shall comply with these directives, rms and conditions contained in this lo-

igs, including any statement made or articipant, shall be disclosed to any per- volved with the mediation session. The ions and/or statements shall not be dis- unless mutually agreed to by the parties; e involves a non jury trial, under no cir- ties' settlement positions and statements ned Judge. No transcript or other record- nediation session, and the mediation pro- d by any adverse party for any reason in- issue.

sought mediation shall notify the Court ministrator in writing at the conclusion of ndicating whether or not a settlement has

Delaware County Civil Rules

Rule *1302.

- (H) The moving party shall pay the cost of the co-mediators and shall pay each co-mediator directly. The rate of compensation for each co-mediator is \$150.00 per hour. The party who initially filed the motion for mediation shall also pay a \$50.00 non-refundable administrative fee paid to the Delaware County Bar Association upon assignment of the co-mediators by the Court.

Comment: All motions filed pursuant to this Rule are subject to the procedural requirements set forth in Rules *205.2(a)(b), 208.1 and 208.2.

Editor's note: Adopted December 20, 2004, filed for public inspection January 7, 2005.

Rule *1147.

Complaint in Mortgage Foreclosure.

The plaintiff shall attach to his complaint a copy of the notice required by §403 of the Loan Interest & Protection Law (41 Pa.C.S. §403).

Rule *1301.

Scope; Stipulations Amending Amount in Controversy.

- (a) In accordance with §7361 of the Judicial Code (42 Pa.C.S.), as amended, all civil cases; to include assessments of damages, where the amount in controversy, exclusive of interest and costs, does not exceed \$50,000 shall first be tried before a board of arbitrators. This rule does not apply to cases involving title to real estate nor to other cases prohibited from reference to a board of arbitrators under existing law.
- (b) The amount in controversy originally pleaded cannot be reduced to a sum not in excess of \$50,000 except by stipulation of the parties or by order of court. If the case has already been assigned to a judge, the stipulation must be approved by that judge. All such stipulations, whether requiring court approval or not, shall be filed with the Office of Judicial Support and the Court Administrator.

Editor's note: Adopted October 25, 1990. Further amended April 6, 1993, effective June 1, 1993.

Rule *1302.

List of Arbitrators, Appointment of Board.

- (a) The Delaware County Arbitration Committee shall prepare a list of available arbitrators subject to the requirements of Pa.R.C.P. 1302(a) for approval by the court. This list shall be updated annually by the Committee and resubmitted to the court for approval.

- (b) The Court Administrator shall appoint arbitrators from this list who have been approved by the court.

Editor's note: Readopted and amended April 13, 1993.

Rule *1303.

Hearing Notice.

(A)(1)

- (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. The hearing date shall be the first available date no less than 270 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)(1)(iii).
 - (v) In no event shall less than 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 subject to the filing of a motion for post-trial relief to remove the case from the court?
- (b)(4) Should a judgment of nonsuit, it is subject to the provisions of Rule 3051 for relief from a judgment?
- (b)(5) Should an adverse decision against a Defendant who may file a Motion for post-trial relief, a request for a new trial or excuse for the Defendant?

Editor's note: Amended January 1993.

- (c) When the amount in controversy exceeds Fifty Thousand dollars, the provisions of Rule 3051 shall forthwith be assigned to the court's order and the court shall notify all other parties assigned by the Court Administrator.
- (d) The plaintiff may apply for a judgment of nonsuit as an arbitration matter. Such application shall be filed in accordance with Rule *206(B)1.
- (e) In the event a case is settled, the plaintiff's responsibility for the cost of notification thereof to the court shall be the form of an order to set aside the application for continuance of the settlement.
- (f) All motions, with the exception of a motion for continuance, must be filed before the hearing date.

Editor's note: Adopted February 9, 1993.

Rule *1305.

Conduct of Trial

- (b)(1) In addition to the items described in Rule 1303, the trial shall be subject to all the provisions thereof without further proof of the facts.

will appoint arbitrators from this list
the court.
amended April 13, 1993.

ing. Notice.

be assigned a date and time for hear-
trial filing by the plaintiff or appellant
District Justice. The hearing date shall
be no less than 270 days from the date

attached by the Office of Judicial Sup-
hearing time and date, which notice
a time of initial filing. The aforemen-
affixed both to the original and all ser-
plaint or praecipe for writ of summons
al from District Justice judgments, the

y the Office of Judicial Support to the
so include the following statement:

heard by a board of arbitrators at the time, date
if one or more of the parties is not present at
may be heard at the same time and date be-
without the absent party or parties. There is
no on appeal from a decision entered by a

or complaint, the moving party shall pro-
ving joined a copy of the original notice
e, place and location of the arbitration
copy of the notice referred to in (a)(1)

s than 30 days' written notice of the date,
earing be given to the parties or their at-

court decide to hear the matter pursuant to
(b)(2), the trial court may choose to
gment of nonsuit if the plaintiff is not
ails to appear; or
gment of non pros if neither party is ready
s; or
matter and make a decision, if the defen-
t ready or fails to appear.

(b)(3) Should a nonsuit be entered under this Rule, it is sub-
ject 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 satisfactory
excuse for the Defendant's failure to appear.

Editor's note: 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 accor-
dance with the provisions of Rule *1301(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 orig-
inally filed as an arbitration matter certified as a non-
arbitration matter. Such application shall be by motion
filed in accordance with the provisions of Rule
*206(B)1.

(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 con-
tinuance, must be filed no later than thirty (30) days
before the hearing date.

Editor's note: Adopted February 9, 1999, clarified May 3, 1999.

Rule *1305.

Conduct of Hearing. Evidence.

(b)(1) In addition to the items described in Pa.R.C.P. 1305(b)(1), and
subject to all the provisions thereof, a party may offer into evi-
dence without further proof the following items:

- (vii) Photographs, models and other non-documentary exhibits. Where the nature of these exhibits is such that it is not feasible to send a copy to the adverse party, an accurate description of the exhibits shall be provided, and they shall be made available for reasonable inspection by the adverse party. If the moving party receives no written objection thereto not less than 10 days prior to the trial date, this physical evidence shall be admitted. If objection is made, the moving party may submit a written request to the Court Administrator for reference to the appropriate judge.

Editor's note: Rule *1305 amended April 6, 1993, effective June 1, 1993; and February 1, 1996. [Amendment of December 4, 1997 was rescinded as partially duplicative of Pa.R.C.P. 1305(b)(1) on January 23, 1998.] Former Rule *1305 renumbered *1305(b)(1)(vii) and amended January 23, 1998.

Rule *1308(a)(2). . . . *Appeal, Arbitrators' Compensation.*

Subject to the provisions of Pa. R.C.P. 1308(a)(2), the Appellant shall pay to the Office of Judicial Support a fee, said fee to be established by Order of the President Judge. Checks shall be made payable to the Treasurer of Delaware County.

Editor's note: Amended April 6, 1993, effective June 1, 1993. Further amended December 4, 1997; amended February 13, 2007.

Rule *1531. . . . *Special Relief, Injunctions.*

- (a) In non-emergency cases already assigned to a judge, applications for preliminary injunctions shall be governed by the provisions of Rule *206(B)(3).
- (b) In non-emergency cases not yet assigned to a judge, applications for preliminary injunctions shall be by petition, in conformity with Rule 206(B)(3), which shall be filed with the Office of Judicial Support to be time-stamped and docketed and then brought to the Court Administrator by the applicant to obtain a hearing date. Thereafter, the applicant will be notified of the scheduled hearing date by the Court. The applicant, once notified, will thereafter notify all interested parties of the scheduled hearing date and time.
- (c) Where petitioner seeks a preliminary or special injunction prior to notice or hearing, his petition shall have an appropriate order attached thereto. The Court Administrator will determine the appropriate judge to whom the petitioner shall promptly present the matter.

Rule 1007. Commencement of Action.

An action may be commenced by filing with the prothonotary:

- (1) a *praecipe* for a writ of summons, or
- (2) a complaint.

Official Note

For the form of the writ of summons, *see* Rule 1351.

See Rule 205.5 governing the requirement for filing a cover sheet with the pleading commencing the action.

Rule 2005(b) does not authorize the filing of a *praecipe* for a writ of summons if an unknown defendant is to be identified by a Doe designation.

Rule 205.5. Cover Sheet.

(a)(1) This rule shall apply to all actions governed by the rules of civil procedure except the following:

- (i) actions pursuant to the Protection from Abuse Act, Rules 1901 *et seq.*
- (ii) actions for support, Rules 1910.1 *et seq.*
- (iii) actions for custody, partial custody and visitation of minor children, Rules 1915.1 *et seq.*
- (iv) actions for divorce or annulment of marriage, Rules 1920.1 *et seq.*
- (v) actions in domestic relations generally, including paternity actions, Rules 1930.1 *et seq.*
- (vi) voluntary mediation in custody actions, Rules 1940.1 *et seq.*

(2) At the commencement of any action, the party initiating the action shall complete the cover sheet set forth in subdivision (e) and file it with the prothonotary.

Official Note

NOTICE

Pennsylvania Rule of Civil Procedure 205.5. (Cover Sheet) provides, in part:

Rule 205.5. Cover Sheet

(a)(1) This rule shall apply to all actions governed by the rules of civil procedure except the following:

- (i) actions pursuant to the Protection from Abuse Act, Rules 1901 et seq.
- (ii) actions for support, Rules 1910.1 et seq.
- (iii) actions for custody, partial custody and visitation of minor children, Rules 1915.1 et seq.
- (iv) actions for divorce or annulment of marriage, Rules 1920.1 et seq.
- (v) actions in domestic relations generally, including paternity actions, Rules 1930.1 et seq.
- (vi) voluntary mediation in custody actions, Rules 1940.1 et seq.

(2) At the commencement of any action, the party initiating the action shall complete the cover sheet set forth in subdivision (e) and file it with the prothonotary.

(b) The prothonotary shall not accept a filing commencing an action without a completed cover sheet.

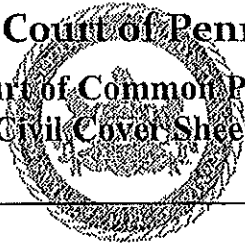
(c) The prothonotary shall assist a party appearing pro se in the completion of the form.

(d) A judicial district which has implemented an electronic filing system pursuant to Rule 205.4 and has promulgated those procedures pursuant to Rule 239.9 shall be exempt from the provisions of this rule.

(e) The Court Administrator of Pennsylvania, in conjunction with the Civil Procedural Rules Committee, shall design and publish the cover sheet. The latest version of the form shall be published on the website of the Administrative Office of Pennsylvania Courts at www.pacourts.us.

Supreme Court of Pennsylvania

Court of Common Pleas Civil Cover Sheet



County _____

For Prothonotary Use Only:

Docket No. _____

JUDG. STAMP

The information collected on this form is used solely for court administration purposes. This form does not supplement or replace the filing and service of pleadings or other papers as required by law or rules of court.

SECTION A

Commencement of Action:

- ☐ Complaint ☐ Writ of Summons ☐ Petition
☐ Transfer from Another Jurisdiction ☐ Declaration of Taking

Lead Plaintiff's Name: _____

Lead Defendant's Name: _____

Are money damages requested? ☐ Yes ☐ No

Dollar Amount Requested: _____
(check one) ☐ within arbitration limits
☐ outside arbitration limits

Is this a *Class Action Suit*? ☐ Yes ☐ No

Is this an *MDJ Appeal*? ☐ Yes ☐ No

Name of Plaintiff/Appellant's Attorney: _____

☐ Check here if you have no attorney (are a Self-Represented [Pro Se] Litigant)

SECTION B

Nature of the Case: Place an "X" to the left of the ONE case category that most accurately describes your **PRIMARY CASE**. If you are making more than one type of claim, check the one that you consider most important!

TORT (do not include Mass Tort)

- ☐ Intentional
☐ Malicious Prosecution
☐ Motor Vehicle
☐ Nuisance
☐ Premises Liability
☐ Product Liability (does not include mass tort)
☐ Slander/Libel/ Defamation
☐ Other: _____

MASS TORT

- ☐ Asbestos
☐ Tobacco
☐ Toxic Tort - DES
☐ Toxic Tort - Implant
☐ Toxic Waste
☐ Other: _____

PROFESSIONAL LIABILITY

- ☐ Dental
☐ Legal
☐ Medical
☐ Other Professional: _____

CONTRACT (do not include Judgments)

- ☐ Buyer Plaintiff
☐ Debt Collection: Credit Card
☐ Debt Collection: Other _____
☐ Employment Dispute: Discrimination
☐ Employment Dispute: Other _____
☐ Other: _____

REAL PROPERTY

- ☐ Ejectment
☐ Eminent Domain/Condemnation
☐ Ground Rent
☐ Landlord/Tenant Dispute
☐ Mortgage Foreclosure: Residential
☐ Mortgage Foreclosure: Commercial
☐ Partition
☐ Quiet Title
☐ Other: _____

CIVIL APPEALS

- Administrative Agencies
☐ Board of Assessment
☐ Board of Elections
☐ Dept. of Transportation
☐ Statutory Appeal: Other _____

- ☐ Zoning Board
☐ Other: _____

MISCELLANEOUS

- ☐ Common Law/Statutory Arbitration
☐ Declaratory Judgment
☐ Mandamus
☐ Non-Domestic Relations
☐ Restraining Order
☐ Quo Warranto
☐ Replevin
☐ Other: _____

IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW
ARBITRATION NOTICE

Plaintiff

v.

Defendant.

No. CV-XXXX-XXXXXX

This is to notify you that an Arbitration is
scheduled for:

DATE

9:30 AM

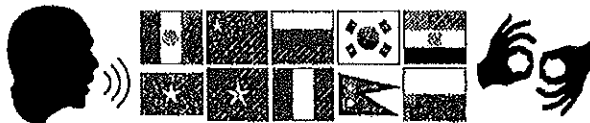
ATTENTION

Please report to the Arbitration Assembly Room, Delaware County Courthouse, Media, Pennsylvania. No further notice of the trial date will be given.

This matter will be heard by a Board of Arbitrators at the time, date, and place specified above 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 or appeal from a decision entered by a Judge.

All pretrial motions with the exception of continuance applications must be filed thirty (30) days prior to the hearing date under Delaware County Local Rule 1303 (f).

Notice of Language Rights



Language Access Coordinator
Delaware County Courthouse, 201 West Front Street, Media, PA, 19063
LanguageAccessCoordinator@co.delaware.pa.us

English: If you are a named party in a case or a witness, victim, or person *in loco parentis*, you have the right to an interpreter at no cost to you. To request an interpreter, contact the language access coordinator for the court.

Spanish/Español: Si usted es parte de un caso o testigo, víctima, o persona *in loco parentis*, tiene el derecho a un intérprete sin ningún costo para usted. Para solicitar un intérprete, contacte al coordinador de acceso al idioma para la corte.

Vietnamese/Tiếng Việt: Nếu quý vị là một bên được định danh trong một vụ án hay người làm chứng, nạn nhân, hay *in loco parentis* (người có trách nhiệm làm bố mẹ), quý vị có quyền có được người thông dịch mà không tốn phí. Để yêu cầu một người thông dịch, hãy liên lạc với điều phối viên ngôn ngữ cho tòa án.

Mandarin/Cantonese Traditional Chinese/普通話/廣東話繁體中文: 若您是案中人士或證人、受害人或監護人 (*in loco parentis*), 有權免費獲享傳譯服務。如欲要求傳譯服務, 請聯絡法庭的語言服務協調員。

Bengali / বাংলা: কোনো মামলায় যদি আপনার নাম থাকে সাক্ষী, ফরিয়াদি বা ইন লোকো পেরেন্টিস *in loco parentis* হিসাবে, তাহলে আপনার বিনামূল্যে দোভাষী পাবার অধিকার আছে। দোভাষীর জন্য অনুরোধ করার জন্য আপনি আদালতের ভাষা অধিগমন সমন্বয়কারী বা ল্যাঙ্গুয়েজ এক্সেস কো-অর্ডিনেটর-এর সাথে যোগাযোগ করুন।

IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY, PENNSYLVANIA
OFFICE OF THE COURT ADMINISTRATOR

Application for Continuance

For Electronic Filing only

v. _____ : No. _____
: Current Hearing Date: _____
: Time: _____

- ☐ ARBITRATION
☐ LICENSE SUSPENSION APPEAL ☐ MISCELLANEOUS MOTION HEARING LIST

If you have a conflict due to another trial/hearing, please list case name, court term number, County and Judge. All non-Court conflicts shall be specifically stated as to circumstances.

Reason for Continuance: _____

PLEASE CHECK ALL BOXES THAT APPLY

☐ I have contacted all represented/self-represented parties who ☐ Approve of this continuance.

This continuance requested by: ☐ Attorney for Plaintiff ☐ Self-Represented Plaintiff
☐ Attorney for Defendant ☐ Self-Represented Defendant

☐ This continuance is opposed by: ☐ Attorney for Plaintiff ☐ Self-Represented Plaintiff
☐ Attorney for Defendant ☐ Self-Represented Defendant

I, the undersigned, do hereby request the Court to grant a continuance in the above referenced case and agree to the new date and time. I certify that upon receipt of this application from the Court, I will notify all represented/self-represented parties of the new hearing date and time.

Name: _____ Date: _____ Signature: _____

FOR OFFICIAL USE ONLY

New Hearing Date: _____ Time: _____ ☐ AM ☐ PM

☐ **MUST BE TRIED** – No further continuances unless granted by Judge

The Office of the Court Administrator recommends: ☐ Approval ☐ Disapproval

Name: _____ Date: _____

Disapproved because: _____

Application for Continuance is: ☐ Approved ☐ Disapproved

Judge: _____ Date: _____

Disapproved because: _____