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

**IN RE: LOCAL RULES OF COURT**

**MsD No. 2022-4014**

**ADMINISTRATIVE ORDER OF COURT**

**AND NOW**, this 16<sup>th</sup> day May 2022, it is hereby Ordered and Directed that the Local Rule L1920.33(b), adopted by Administrative Order of Court on February 1, 2007, and amended July 25, 2012, is amended as follows.

Amendment to Local Rule L1920.33(b) is adopted and effective immediately upon publication in the Pennsylvania Bulletin.

It is Ordered, in accordance with Pa. R.J.A 103, that the District Court Administrator shall:

1. File one (1) certified copy of this Administrative Order and the within Local Rule of Civil Procedure with the Administrative Office of the Pennsylvania Courts.
2. File two (2) certified copies of this Administrative Order and the within Local Rule of Civil Procedure and one (1) diskette with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
3. File one (1) certified copy of this Administrative Order and the within Local Rule of Civil Procedure with the Domestic Relations Procedural Rule Committee.
4. Forward one (1) copy of this Administrative Order and the within Local Rule of Civil Procedure to the administrative office of the *Butler County Legal Journal* for publication.
5. Forward one (1) copy of this Administrative Order and the within Local Rule of Civil Procedure to the Butler County Law Library.
6. Keep continuously available for public inspection copies of this Administrative Order of Court and the within Local Rule of Court in the Office of the Prothonotary of Butler County, Pennsylvania.

**BY THE COURT,**

  
**S. MICHAEL YEAGER  
PRESIDENT JUDGE**

PROTHONOTARY'S  
OFFICE-BUTLER CO.  
ENTERED & FILED  
2022 MAY 17 A 10:49

### **L1920.33(b) Pre-trial Procedures**

(1) Either party may file an affidavit with the court alleging that the parties have lived separate and apart within the meaning of the Domestic Relations Code for a continuous period of nine (9) months prior to the filing of the affidavit. Upon either the filing of said affidavit, or the expiration of nine (9) months since the filing of a divorce complaint being acted upon in this County, or upon the filing by both parties of affidavits conceding that the marriage is irretrievably broken, either party may present a motion to establish a deadline for the initiation and/or completion of pre-trial discovery. Upon consideration of the motion, and the arguments of counsel, if granted, the court shall establish a pre-trial discovery order, with appropriate deadlines.\*

(2) After discovery is closed, the court shall conduct a pre-trial conciliation conference, which may be scheduled as part of the discovery order described in subparagraph (a). Ten (10) business days before the pre-trial conference, each party shall file with the Prothonotary, and serve upon opposing counsel, a pre-trial statement which complies in all material respects with the requirements of Pa.R.C.P. No. 1920.33(b).\*\* At the pre-trial conference, each party shall notify the other party and the court of any exhibits attached to the opposing party's pre-trial statement to which there is an objection as to admissibility. The court may rule on the objections presented, or may allow the issue to be addressed by the master. The court shall enter an order following the pre-trial conference setting forth any rulings by the court, stipulations or agreements of the parties, or other directions or information which will be helpful to the master, if the case is not settled.

(3) If a party fails to comply with any requirement of this rule, the court, upon motion of a party or on its own motion, may make an appropriate order under any available rule or statute governing sanctions.

(4) If a party fails to literally comply with Pa.R.C.P. 1920.33(b)(4) by failing to attach to his Pretrial Statement filed with the Prothonotary\*\*\* or adequately describe therein exhibits to be offered at trial, he shall be subject to sanctions unless:

- (i) he has provided a complete copy of all the exhibits identified in his Pretrial Statement with the copy of the Pretrial Statement served on opposing counsel; and
- (ii) he has provided a complete copy of all of the exhibits identified in his Pretrial Statement to the Special Master, if any, within 10 days after docketing of the Order appointing the Special Master; and
- (iii) the original omission of the Exhibits is excusable in the opinion of the court.

**\*Comment:** In general, the court's objective in setting the discovery schedule will be to have the case ready for trial (including the completion of the pre-trial conference) at the end of a one-year separation.

**\*\*Comment:** Practitioners must read the Introductory Comment, above, for the court's views on the purpose and acceptable content of pre-trial statements.

**\*\*\*Comment:** The Rule recognizes the vital importance early access to a complete copy of the Pretrial Statement exhibits by trial counsel and the Master, both for settlement analysis and trial. The rule also attempts to discourage the filing of lengthy exhibits with the Prothonotary whose physical storage space is limited, and because of the increased likelihood that personal information such as account numbers or social security numbers may be inadvertently disclosed into the public domain.

## CERTIFICATION

**I hereby certify:**

**IN TESTIMONY WHEREOF**, I have hereunto set my hand and official seal of the Said Court,

RULE 236 NOTICE THE PROTHONOTARY OF BUTLER COUNTY, PENNSYLVANIA HEREBY CERTIFIES THAT A COPY OF THE FOREGOING ORDER WAS HAND DELIVERED TO: COURT ADMIN; PROTHONOTARY ON 5/17/22.

  
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