

## [PA Huntingdon Cty. Civ. LR 205](#)

This document is current with amendments received through June 1, 2016

[Pennsylvania Local Rules of Court](#) > [HUNTINGDON COUNTY](#) > [RULES OF CIVIL PROCEDURE](#)

### Rule 205. Civil Case Management

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1. The Huntingdon County Civil Case Management Plan.
  - (a) **Cases Subject to the Plan.** The plan outlined in this rule will govern the progress of all civil cases from the initiation of the case until the termination of said case. Family Court cases are not covered by this plan.
  - (b) **Case Tracks.** Utilizing the criteria set forth below, all civil cases shall be assigned to one of the following case tracks: Expedited, Standard or Complex. The case management rules that govern each track are as follows:
    - (i) **Expedited Case Track.** A case will be assigned to the Expedited track, unless otherwise requested by counsel, if, by its nature, it appears it is a case that can be promptly tried. The following case types are examples: mortgage foreclosures; writ of replevin cases; and arbitration appeals. Except in extraordinary circumstances, the Court will schedule a trial of all Expedited cases within six (6) months after the initial Date of Service. The trial date shall be set by the Court at the first status conference.
    - (ii) **Standard Case Track.** All cases not designated Expedited or Complex will be assigned to the Standard case track. Except in extraordinary circumstances, the Court will schedule a trial of all Standard cases within twelve (12) months after the initial Date of Service. The trial date shall be set at the first status conference.
    - (iii) **Complex Case Track.** A case will be assigned to the Complex track, unless otherwise requested by counsel, if it appears likely to require a disproportionate expenditure of court and litigant resources before and during trial by reason of the number of parties involved, the number of claims and defenses raised, the legal difficulty of the issue(s) presented, the factual difficulty of the subject matter or a combination of these or other factors. Except in extraordinary circumstances, the Court shall schedule a trial date for all Complex

cases within twenty-four (24) months after the initial Date of Service. The trial date shall be set at the initial status conference.

**(c) *Initial Scheduling Order.***

- (i) The Plaintiff/Plaintiff's attorney shall complete and file an Initial Case Monitoring Notice and Order, attached hereto as Exhibit **Hunt.Co.R.C.P. 205**, within five (5) days after service of the complaint. A copy shall be served on the DCA.
- (ii) The case will be scheduled by the DCA for a status conference.

**(d) *Status and Pre-Trial Conferences.***

- (i) Status Conferences. A Status Conference shall be scheduled in every case. The date on which the conference is scheduled will be dependent on the track the case is assigned. At a Status Conference, the Court will issue any Order that it deems necessary to address the following issues: status of the case; discovery; pre-trial motions; possible alternative dispute resolution; possible trial dates; any other relevant matters, and the date for a pre-trial Conference.
- (ii) Pre-Trial Conferences. A pre-trial Conference shall be scheduled in every case. The purpose of the conference shall be to address the matters set forth in Pa.R.C.P. 212.3. The parties shall file not later than ten days before the conference a pre-trial statement in accord with Pa.R.C.P. 212.2. The order scheduling the conference shall indicate the parties who are to attend including an insurance or similar representative who has authority to negotiate and settle the case. At the conclusion of the conference the Court may enter an order that recites the action taken at conference, schedules a date for trial, or schedules a settlement conference in accord with Pa.R.C.P.

**212.5.**

**(e) *Arbitration.***

- (i) Referral of Cases. If, after an initial review of the case, the case is identified as appropriate for compulsory arbitration, a panel of arbitrators shall be appointed.

(ii) Arbitration Appeals. The Court Administrator shall monitor all Arbitration appeals, and shall report to the President Judge all cases pending for more than six (6) months.

(f) **Incarcerated Plaintiffs.** Complaints initiated by pro se Plaintiffs who are incarcerated in a state correctional institution shall be exempt from Hunt.Co.R.C.P. 205.

2. Inactive Cases. Cases that are eligible for dismissal under Rule of Judicial Administration No. 1901 as well as cases that have come to the termination date of their case track, shall be reviewed by the President Judge. The Court will take action to dismiss or schedule additional proceedings in an attempt to resolve the case.

### 3 IN THE COURT OF COMMON PLEAS

Plaintiff HUNTINGDON COUNTY, PENNSYLVANIA

vs. DOCKET NO:

CIVIL ACTION-- LAW§ EQUITY§

Defendant

#### INITIAL CASE MONITORING NOTICE AND ORDER

1. Plaintiff(s) by \_\_\_ Attorney§ hereby gives notice that this matter was commenced on the date of \_\_\_ by  complaint  writ of summons  other (specify): \_\_\_. Plaintiff further certifies that service was made on \_\_\_ day of \_\_\_ 20.

2. Plaintiff requests the case be processed under the Court's civil case management rules as follows (choose one):

\_\_\_ Arbitration (Damages of \$ 50,000 or less)

\_\_\_ Standard Track

\_\_\_ Complex Track

\_\_\_ Expedited Track

#### ORDER

AND NOW this \_\_\_ day of \_\_\_ 20 a Status conference is scheduled for \_\_\_, at \_\_\_ (a.m./p.m.) in Courtroom No. \_\_\_ of the Huntingdon County Courthouse, 223 Penn Street, Huntingdon, PA. All parties shall attend. Items No. 1 and 2 shall be completed by Plaintiff. This document shall be presented to District Court Administrator within five (5) days after proof of service of the original process is received.

PLAINTIFF SHALL IMMEDIATELY SERVE A COPY OF THIS ORDER UPON ALL OTHER PARTIES OR THEIR ATTORNEYS AND FILE PROOF OF TIMELY SERVICE.

**4** Date:

**J.**

**cc:** District Court Administrator

\_\_\_, Esquire

\_\_\_, Esquire

PENNSYLVANIA LOCAL RULES OF COURT

**PA Huntingdon Cty. Civ. LR 206.1(A)**

This document is current with amendments received through June 1, 2016

**Pennsylvania Local Rules of Court** > **HUNTINGDON COUNTY** > **RULES OF CIVIL PROCEDURE**

**Rule 206.1(A). Petitions**

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Petition in Huntingdon County means an application to open a default judgment or a judgment of non pros.

PENNSYLVANIA LOCAL RULES OF COURT

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End of Document

## [PA Huntingdon Cty. Civ. LR 206.4\(C\)](#)

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[Pennsylvania Local Rules of Court](#) > [HUNTINGDON COUNTY](#) > [RULES OF CIVIL PROCEDURE](#)

### Rule 206.4(C). Issuance of Rule to Show Cause

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- (1) A rule to show cause shall issue as a matter of course pursuant to Pa.R.C.P. 206.6.
- (2) The procedure following the issuance of the rule to show cause shall be in accordance with Rule 206.7, Pa.R.C.P.
- (3) To secure a rule to show cause, the original petition shall be submitted to the Court Administrator of Huntingdon County and must be accompanied by a proposed order in the format prescribed by Rule 206.6(c). The Court Administrator shall establish a rule returnable date, and a hearing date if appropriate, and thereafter present the petition and order to the President Judge for consideration. If the President Judge executes the order, the Court Administrator shall file the original petition and rule to show cause with the Clerk of Court. Counsel for the petitioner shall be responsible for securing service of the pleading in accord with the Pennsylvania Rules of Civil Procedure. If the petition seeks a stay or if there is a demand for emergency relief, petitioner shall notify in advance opposing counsel or any unrepresented party of the date and time of presentation to the Court Administrator.

PENNSYLVANIA LOCAL RULES OF COURT

**[PA Huntingdon Cty. Civ. LR 208.2\(C\)](#)**

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**[Pennsylvania Local Rules of Court](#) > [HUNTINGDON COUNTY](#) > [RULES OF CIVIL PROCEDURE](#)**

**Rule 208.2(C). Motion. Applicable Authority**

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All motions should include a brief statement of applicable authority.

PENNSYLVANIA LOCAL RULES OF COURT

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End of Document

**PA Huntingdon Cty. Civ. LR 208.2(D)**

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**Pennsylvania Local Rules of Court > HUNTINGDON COUNTY > RULES OF CIVIL PROCEDURE**

**Rule 208.2(D). Uncontested Motions. Certification**

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A motion will be treated as uncontested when the moving party appends to it a certificate that counsel has conferred with all interested parties with respect to the matter and has been affirmatively advised that there are no objections to the relief sought in the proposed order.

PENNSYLVANIA LOCAL RULES OF COURT



## [PA Huntingdon Cty. Civ. LR 208.3\(A\)](#)

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[Pennsylvania Local Rules of Court](#) > [HUNTINGDON COUNTY](#) > [RULES OF CIVIL PROCEDURE](#)

### **Rule 208.3(A). Motion Procedure**

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1. Motions are defined in Pa.R.C.P. 208.1.
2. In addition to the requirements regarding the content of a motion found in Pa.R.C.P. 208.2, all motions shall contain a statement as to whether a hearing or argument is requested and the estimated length of time. Also, there shall be a statement as to whether discovery is necessary.
3. All motions, except motions for emergency relief, along with a proposed order shall be filed with the Prothonotary along with a praecipe to place the motion on the current argument list.
4. On the first business day of each month, the Prothonotary shall prepare and submit a list to the President Judge of all cases praeciped to the argument list in the preceding month.
5. The President Judge shall review each case and forthwith enter an order detailing the procedure that will be followed for disposition of any motion.
6. Motions seeking emergency relief may be presented directly to the President Judge on any day the court is in session. An order detailing the manner of disposition and service will be entered by the President Judge after consideration of the motion. Notice shall be given in advance to opposing counsel or any unrepresented party of the date and time of presentation of any motion for emergency relief.

PENNSYLVANIA LOCAL RULES OF COURT

## [PA Huntingdon Cty. Civ. LR 307](#)

This document is current with amendments received through June 1, 2016

[Pennsylvania Local Rules of Court](#) > [HUNTINGDON COUNTY](#) > [RULES OF CIVIL PROCEDURE](#)

### **Rule 307. Prothonotary**

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- (a)** The Prothonotary shall endorse all documents filed with the date of such filing, and shall enter into them into an appropriate document docket.
- (b)** The Prothonotary shall be responsible for the safe keeping of all records and papers belonging to the office. No paper may be taken from the files of the Prothonotary without the consent of the Prothonotary or one authorized by the Prothonotary to give such consent. A record shall be made of any paper removed from the Prothonotary's office and the person who receipts for such paper shall be responsible for return of the same and for any financial loss occasioned by failure to return the paper.
- (c)** Only the Prothonotary, her clerks, attorneys registered in Huntingdon County and such other persons as the Prothonotary shall specially authorize shall be permitted direct access to the Prothonotary's files.
- (d)** No entries shall be made in any Prothonotary's docket except at the direction of the Prothonotary or by order of the Court.
- (e)** All papers filed with the Prothonotary shall be designated numerically starting with the number one for each calendar year and with the appropriate alphabetical symbols to differentiate between the various proceedings filed.
- (f)** The Prothonotary shall not provide legal assistance or give legal advice.
- (g)** The Prothonotary shall only provide copies of documents to litigants and or attorneys for litigants as required by the respective Pennsylvania Rules of Court. Requested documents in addition to those required by rule will not be provided without a search and copying fee of \$ 25.00 to be paid prior to the reproduction of said documents. The Prothonotary shall have the discretion to require additional payment if the reproduction costs are extensive.
- (h)** The Prothonotary shall not forward any matter to the Sheriff for service of original process unless service copies are received for each named Defendant.

PENNSYLVANIA LOCAL RULES OF COURT

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End of Document

## [PA Huntingdon Cty. Civ. LR 1028\(C\)](#)

This document is current with amendments received through June 1, 2016

[Pennsylvania Local Rules of Court](#) > [HUNTINGDON COUNTY](#) > [RULES OF CIVIL PROCEDURE](#)

### Rule 1028(C). Preliminary Objections. Procedure for Disposition

- (1) All preliminary objections shall be accompanied by a proposed order. A brief is not required at the time of filing the preliminary objections.
- (2) After twenty (20) days from service of the preliminary objections, if an amended pleading has not been filed, any party may file a praecipe with the Prothonotary to place the preliminary objections on the current argument list.
- (3) On the first business day of each month, the Prothonotary shall prepare and forward to the President Judge a list of all cases praeciped to the argument list in the preceding month. The President Judge shall then review the case file and enter an order detailing the manner of disposition of the objections.

PENNSYLVANIA LOCAL RULES OF COURT

**PA Huntingdon Cty. Civ. LR 1034(A)**

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**Pennsylvania Local Rules of Court > HUNTINGDON COUNTY > RULES OF CIVIL PROCEDURE**

**Rule 1034(A). Motion for Judgment on the Pleadings. Procedure**

After the filing and service of a motion for judgment on the pleadings, and any response thereto, any party may file a praecipe with the Prothonotary to place the motion on the current argument list. On the first business day of each month, the Prothonotary shall prepare and forward to the President Judge, a list of all cases praeciped to the argument list in the preceding month. The President Judge shall thereafter review the case file and enter an order detailing the manner of disposition of the motion.

PENNSYLVANIA LOCAL RULES OF COURT

**PA Huntingdon Cty. Civ. LR 1035.2(A)**

This document is current with amendments received through June 1, 2016

**Pennsylvania Local Rules of Court > HUNTINGDON COUNTY > RULES OF CIVIL PROCEDURE**

**Rule 1035.2(A). Motion for Summary Judgment. Procedure**

After the filing of, and service of a motion for summary judgment, the moving party may file a praecipe with the Prothonotary to place the motion on the argument list. On the first business day of each month, the Prothonotary shall prepare and forward to the President Judge a list of all cases praeciped to the argument list during the preceding month. The President Judge shall thereafter review the case file and enter an order detailing the manner of disposition of the motion.

PENNSYLVANIA LOCAL RULES OF COURT

## [PA Huntingdon Cty. Civ. LR 106](#)

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[Pennsylvania Local Rules of Court](#) > [HUNTINGDON COUNTY](#) > [RULES OF CRIMINAL PROCEDURE](#)

### **Rule 106. Central Court Continuances**

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1. Except as provided in subparagraph 2, all continuance requests shall be submitted in writing on the Central Court Continuance form and shall be submitted to the Office of Court Administration. Continuance forms will be made available through the Office of Court Administration.
2. The Court of Common Pleas shall grant or deny all Central Court continuance requests.
3. If a continuance request is granted by the presiding Magisterial District Judge in open Court:
  - a. The Magisterial District Judge shall (i) inform the Central Court Coordinator of the continuance and (ii) inform the Central Court Coordinator which party is to be assigned responsibility for requesting the continuance.
  - b. The Central Court coordinator shall prepare and serve all parties with notice (Rescheduling Notice) of the new hearing date, time and place.

PENNSYLVANIA LOCAL RULES OF COURT

## [PA Huntingdon Cty. Civ. LR 117](#)

This document is current with amendments received through June 1, 2016

[Pennsylvania Local Rules of Court](#) > [HUNTINGDON COUNTY](#) > [RULES OF CRIMINAL PROCEDURE](#)

### **Rule 117. Scheduling Procedures**

- A. The scheduling of Central Court proceedings shall be overseen by the District Court Administrator.
- B. The Office of Court Administration shall coordinate the scheduling of all cases assigned to Central Court for each Magisterial District Judge.
- C. After docketing and processing criminal complaints, the staff of the issuing authority (MDJ Staff) will contact the Court Administrator's office to obtain dates and times for the scheduling of Central Court proceedings.
- D. Unless otherwise directed by the President Judge, Preliminary Hearings shall be scheduled and held weekly on Wednesdays in Courtroom No. 1 of the Huntingdon County Courthouse, commencing at 8:45 a.m.
- E. Unless otherwise directed by the President Judge, hearings to set bail and to provide defendants an opportunity to waive their preliminary hearings shall be scheduled and held every other week on Wednesdays in Courtroom No. 1 of the Huntingdon County Courthouse, commencing at 12:30 p.m.
- F. Central Court is intended to be a forum to make preliminary disposition of criminal cases. It is not to be an informal meeting place to initiate settlement discussions.
  - 1. Prosecuting attorneys and defense attorneys are urged to make contact with each other to discuss their cases prior to Central Court.
  - 2. Magisterial District Judges are directed to conduct Central Court in an orderly and efficient manner.

PENNSYLVANIA LOCAL RULES OF COURT



## [PA Huntingdon Cty. Civ. LR 131\(B\)](#)

This document is current with amendments received through June 1, 2016

[Pennsylvania Local Rules of Court](#) > [HUNTINGDON COUNTY](#) > [RULES OF CRIMINAL PROCEDURE](#)

### **Rule 131(B). Central Court Overview**

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- A.** Pursuant to Pa.R.Crim.P. 130(6) all proceedings in criminal cases, with the exception of preliminary arraignments, shall be heard in Magisterial District 20-0-00, regardless of the magisterial district in which the offense(s) are alleged to have occurred.
- B.** Magisterial District Judges will be assigned by the President Judge to preside at Central Court on a rotating basis. A list outlining the rotation will be prepared by the District Court Administrator and approved by the President Judge with an Assignment Order pursuant to Pa.R.Crim.P. 132.
  - 1.** Every effort should be made by the Magisterial District Judges to schedule vacation, personal time and other commitments at times when they are not scheduled for Central Court.
  - 2.** In the event of illness or other emergencies, a written request to appoint another Magisterial District Judge for Central Court shall be made to the District Court Administrator as soon as possible by hand delivery, fax or email.
- C.** The Magisterial District Judge in whose magisterial district a criminal case is assigned a criminal docket number and processed for Central Court is hereinafter referred to as the "issuing authority."
- D.** The District Attorney and/or Assistant District Attorney and a representative from the Public Defender's office shall be present at all sessions of Central Court.
- E.** The Central Court Coordinator shall be responsible for the day-to-day business of Central Court and shall be present in the courtroom for the processing of cases.
- F.** The prosecuting police agency shall be responsible for arranging transportation of incarcerated defendants to and from the courthouse for any required appearances in Central Court. In addition, the prosecuting police

officer shall remain with the defendant(s) throughout all Central Court proceedings and shall escort the defendant(s) to and from the courtroom from a holding cell.

PENNSYLVANIA LOCAL RULES OF COURT

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End of Document

## [PA Huntingdon Cty. Civ. LR 510](#)

This document is current with amendments received through June 1, 2016

[Pennsylvania Local Rules of Court](#) > [HUNTINGDON COUNTY](#) > [RULES OF CRIMINAL PROCEDURE](#)

### **Rule 510. Notice of Preliminary Hearing**

Upon the filing of a criminal complaint at the office of a Magisterial District Judge where there is neither an arrest warrant issued nor a preliminary arraignment conducted, the MDJ Staff shall contact the Office of Court Administration to obtain a date for the defendant to report for a hearing in Central Court.

- a. The hearing shall be scheduled for not less than 20 days from the date of the mailing of the summons unless the issuing authority fixes an earlier date upon the request of the defendant or the defendant's attorney with the consent of the affiant.
- b. When a hearing date has been obtained by the MDJ Staff, the Magisterial District Judge shall issue an "Order to Appear for Central Court" and a "Hearing Notice" to the defendant.
- c. The Order to Appear for Central Court shall be printed on the Magisterial District Judge's letterhead, shall be signed by the Magisterial District Judge and shall have the seal of the Magisterial District Court affixed.
- d. A copy of the Order to Appear for Central Court shall be retained in the MDJ case file. MDJ Staff shall date and initial this copy in the "Office Use Only" block as verification that they included the Order to Appear for Central Court with the Complaint and other documents which are mailed to the defendant.
- e. The MDJ Staff shall send the defendant, by both certified mail and first class mail, the following:
  - i. The signed and sealed Order to Appear for Central Court.
  - ii. The Hearing Notice.
  - iii. An Informational or Instructions.
  - iv. The Complaint and Affidavit of Probable Cause.

- v. A fingerprint order if applicable.
- vi. An application for a public defender.
- f. The MDJ Staff shall fax a copy of the criminal complaint, the affidavit of the probable cause and the Hearing Notice to the Office of Court Administration, the Office of the District Attorney and the Office of the Public Defender.

PENNSYLVANIA LOCAL RULES OF COURT

## [PA Huntingdon Cty. Civ. LR 540](#)

This document is current with amendments received through June 1, 2016

[Pennsylvania Local Rules of Court](#) > [HUNTINGDON COUNTY](#) > [RULES OF CRIMINAL PROCEDURE](#)

### **Rule 540. Procedure When a Criminal Complaint is Filed**

When a criminal complaint is filed with a Magisterial District Judge, the case will be scheduled for Central Court as follows:

For a case in which the defendant was either (i) arrested by a warrant and given a preliminary arraignment before a Magisterial District Judge, or (ii) arrested on-site by police officers and brought before a Magisterial District Judge for a preliminary arraignment: The Magisterial District Judge will schedule a preliminary hearing in Central Court pursuant to Pa. Rule of Criminal Procedure 540(G)(1), i.e., the Magisterial District Judge shall "... fix a day and hour for a preliminary hearing which shall not be later than 14 days after the preliminary arraignment if the defendant is in custody and no later than 21 days if not in custody unless: (a) extended for cause shown; or (b) the issuing authority fixes an earlier date upon request of the defendant or defense counsel with the consent of the complainant and the attorney for the Commonwealth ..."

- A.** At the preliminary arraignment the defendant shall be provided with a Notice of Preliminary Arraignment, a Notice of Preliminary Hearing, a Public Defender Application and a copy of the complaint and affidavit of probable cause.
- B.** At the preliminary arraignment the police officer (affiant) shall be given a Notice of Preliminary Hearing.
- C.** The MDJ Staff shall fax a copy of the criminal complaint, the affidavit of probable cause, the Preliminary Hearing Notice and Commitment (if the defendant is incarcerated) to the Office of Court Administration, the Office of the District Attorney and the Office of the Public Defender.

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End of Document

## [PA Huntingdon Cty. Civ. LR 543](#)

This document is current with amendments received through June 1, 2016

[Pennsylvania Local Rules of Court](#) > [HUNTINGDON COUNTY](#) > [RULES OF CRIMINAL PROCEDURE](#)

### **Rule 543. Procedure At Central Court**

- A.** The Office of Court Administration shall process all waivers of preliminary hearings and bail bonds in Central Court. Subsequently, the docket transcript, criminal complaint and other pertinent documents shall be forwarded to the Clerk of Courts for filing after disposition in Central Court.
- B.** In the event that the prosecution agrees to settle a case by withdrawing all felony and misdemeanor charges and allowing the defendant to plead guilty to a summary offense, the presiding Magisterial District Judge shall approve or disapprove the settlement in Central Court, subject to the terms set forth below in this paragraph.
  - 1.** If approved, the presiding Magisterial District Judge shall inform the defendant of the conditions set forth in subsection (2) below and instruct the defendant that he/she must comply with all of the settlement terms or the settlement will be automatically void with no further notice given, in which event the Central Court Administrator shall forthwith schedule or reschedule a preliminary hearing for the defendant.
  - 2.** The terms of settlement shall be that (i) the defendant pay a fine, plus the costs of prosecution and any restitution at the office of the issuing authority not later than 3:45 p.m. of the same day, and (ii) payment must be made in full with cash, certified check or money order only.
  - 3.** Following approval of the settlement in Central Court, the Central Court Administrator shall promptly notify the MDJ Staff at the office of the issuing authority of the settlement.
  - 4.** If the defendant appears at the office of the issuing authority by 3:45 p.m. and pays the fine, costs and restitution in full, as required, the MDJ Staff at the office of the issuing authority shall enter the disposition, accept payment and notify the Central Court Administrator of full compliance with the terms of settlement.

5. If the defendant fails to appear at the office of the issuing authority by 3:45 p.m., or if the defendant fails to pay the fine, costs and restitution in full as required, the MDJ Staff at the office of the issuing authority shall notify the Central Court Coordinator, whereupon the Central Court Coordinator shall promptly schedule or reschedule a preliminary hearing for that defendant.
6. In any case in which the defendant fails to appear for the preliminary hearing, if the issuing authority finds the defendant did not receive notice of the preliminary hearing by a summons served pursuant to Rule 511, a warrant of arrest shall be issued pursuant to Rule 509(2)(d).
  - a. If the issuing authority finds that there was cause explaining the defendant's failure to appear, the issuing authority shall continue the preliminary hearing to a specific date and time, giving notice of the new date, time, and place as provided in Rule 542(G)(2). In this scenario, the issuing authority shall not issue a bench warrant.
  - b. If the issuing authority finds the defendant was absent without cause but received notice, the absence shall be deemed a waiver by the defendant of the right to be present at any further proceedings before the issuing authority. In cases such as these, the issuing authority shall proceed with the case in the same manner as if the defendant was present. Following such cases, the issuing authority shall give the defendant notice by first class mail of the results of the preliminary hearing.
7. When the most serious offense charged against a defendant is a misdemeanor, the issuing authority, pursuant to Pa.R.Crim.P. 546, may dismiss the case upon a showing that (i) the public interest will not be adversely affected; (ii) the attorney for the Commonwealth, or in cases in which there is no attorney for the Commonwealth present, the affiant, consents to the dismissal; (iii) satisfaction has been made to the aggrieved person or there is an agreement that satisfaction will be made to the aggrieved person; and (iv) there is an agreement as to who shall pay the costs.



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