

GENERAL PROVISIONS

*RULE 574. MOTIONS. FILING, SERVICE AND NOTICE. REMOVAL OF PAPERS.

- (1) Petitions and motions, other than those made during the actual trial of a case, shall be:
 - (a) made in writing, and the original thereof filed with the Clerk of Court before presentation to the Court;
 - (b) brought to the Court Administrator's Office for presentation to the Motion Court Judge unless otherwise specifically allowed; and
 - (c) served forthwith upon the adverse party.
- (2) All papers filed in the Office of the Clerk of Court shall bear name of the attorney or party filing them, and an address at which service can be made.
- (3) **REMOVAL OF PAPERS:**
 - (a) Except as otherwise provided herein, no original papers shall be removed from the office of the Clerk of Court without prior written permission of the Court upon cause shown.
 - (b) No original note, bond or other instrument upon which a judgment has been entered shall be removed from the Office of the Clerk of Court except for use by the Court.
 - (c) All other papers may be removed by any attorney who is a member of the Dauphin County Bar—
 - i. For return prior to the close of the next business day, upon the filing with the Clerk of Court of a signed letter listing with specificity each document to be removed together with a receipt as prescribed by **(e)** below.
 - ii. For a period not to exceed thirty (30) days, with written leave of Court.
 - (d) A referee, auditor, master or other similar officer appointed by the Court may remove papers for the purposes of his or her appointment for a period not to exceed ninety (90) days, unless the time be further extended by order of Court.

- (e)** When an attorney removes papers from the Office of the Clerk of Court with permission of the Court she/he shall give a receipt therefore, setting forth the caption and number of the case, a description of the papers removed and the date of removal, which receipt shall be signed by the attorney removing the papers.
- (f)** All papers removed on receipt, with or without leave of Court, shall be returned promptly, and in no case shall papers be retained for a period longer than prescribed herein, except by special permission of the Court. If papers are retained beyond the proper time limit, the Clerk of Court shall notify the attorney in default of his or her failure to return such papers, and if such default continues, for three (3) days following such notice, the attorney concerned shall thereafter be prohibited from removing any papers from the office until the default is corrected. The Clerk of Court shall report such cases of continuing default to the Court for appropriate action.

* Formerly Rule No. 9020
Effective 6/4/2001