

FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY

No. 15 of 2019

President Judge General Court Regulation

*In re: Rescission of Phila. Civ. R. *430.1 and
Renumbering and Amendment of Phila. Civ. R. *430.2 and *1019.1*

ORDER

AND NOW, this 5th day of December, 2019, the Board of Judges of Philadelphia County having voted at the Board of Judges' meeting held on November 21, 2019, to rescind, Phila. Civ. R. *430.1 and to renumber and amend Phila. Civ. R. *430.2 and *1019.1 and, as required by Pa.R.J.A. 103, the Supreme Court Civil Procedural Rules Committee has reviewed the attached rules and has determined that they are not inconsistent with the applicable statewide rules and has authorized their promulgation.

NOW, therefore, it is hereby ORDERED and DECREED that Phila. Civ. R. *430.1 is rescinded, and Phila. Civ. R. *430.2 is renumbered Phila.Civ.R. *430 and amended as attached, and Phila. Civ. R. *1019.1 is renumbered Phila.Civ.R. *1041.1 and amended as attached.

This General Court Regulation is issued in accordance with Pa.R.J.A. 103 and shall be filed with the Office of Judicial Records (formerly the *Prothonotary, Clerk of Courts and Clerk of Quarter Sessions*) in a docket maintained for General Court Regulation issued by the First Judicial District of Pennsylvania. As required by Pa.R.J.A. 103(d)(5)(ii), two certified copies of this General Court Regulation and rules shall be distributed to the Legislative Reference Bureau, together with a copy on a computer diskette, for publication in the *Pennsylvania Bulletin* and shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin*. As required by Pa.R.J.A. 103(d)(6) one certified copy of this General Court Regulation and rules shall be filed with the Administrative Office of Pennsylvania Courts, shall be published on the website of the First Judicial District at <http://www.philacourts.us>, and shall be incorporated in the compiled set of local rules no later than 30 days following publication in the *Pennsylvania Bulletin*. Copies of the General Court Regulation and local rules shall also be published in *The Legal Intelligencer* and will be submitted to *American Lawyer Media, Jenkins Memorial Law Library*, and the Law Library for the First Judicial District.

BY THE COURT:

/s/ Idee C. Fox

HONORABLE IDEE C. FOX
President Judge, Court of Common Pleas
Philadelphia County

Rescission of Phila.Civ.R. * 430.1, Amendment of Phila.Civ.R. * 430.2, and Renumbering and Amendment of Phila.Civ.R. *1019.1

*Additions to the rules are **bolded and underlined**; deletions to the rule are ~~redlined~~*

Rule *430.1 Alternative Service.

~~(A) *Right of Service.* Pursuant to Pa.R.C.P. 430, the plaintiff has the right of service in such manner as the Court by special Order shall direct in cases where service cannot otherwise be made.~~

~~(B) *Procedure.* When a return of “Not Found” or its equivalent has been made after more than one attempt to make service by the Sheriff or where the first return of “Not Found” indicates that further attempts at personal service would not be successful, the plaintiff’s counsel may request an order permitting service of the complaint by regular mail to the defendant’s last known address by filing an affidavit in accord with either paragraphs (1) and (2) or paragraph (3) below, accompanied by an attached copy of the current docket entries.~~

~~(1) An averment of a good faith investigation made to ascertain the present residence of the defendant, which must consist of at least three of the following:~~

~~(a) An examination of telephone directories.~~

~~(b) Inquiries made of neighbors or relatives.~~

~~(c) Inquiries made of employers or former employers.~~

~~(d) Inquiries made of credit bureaus.~~

~~(e) An examination of public records or any other records required to be kept by law, i.e., information from Post Office Department pursuant to Freedom of Information Act, Bureau of Motor Vehicles, etc.~~

~~(f) Any other specifically averred investigation which is reasonably calculated to provide information on the defendant’s whereabouts.~~

~~(2) In addition to the requirements set forth in paragraph (1) above, affidavits shall include the specific inquiries made and the specific responses received from the plaintiff’s investigation, including the dates thereof. If inquiries and/or responses were made by mail, a copy of all correspondence shall be submitted with the required affidavit.~~

~~(3) An averment that to the best of plaintiff’s counsel’s personal knowledge, information and belief the address given is defendant’s residence and the manner in which said address was obtained.~~

~~(C) *Notification of Filing.* If the name and address of defendant’s counsel is known, then a copy of the filing must be forwarded by regular mail but there is no requirement for service on the defendant.~~

~~(D) *Motion Court Procedure.* Filings made in accord with this procedure are exempt from Philadelphia Civil Rule *208.3(b)(3).~~

Note: Former Rule 141; adopted by the Board of Judges, originally General Court Regulation 81-6, effective July 14, 1981. Amended May 20, 2004, effective July 26, 2004. **Rescinded _____, 2019.**

Editor’s Note: Pa. R.C.P. 430, which supplants this local rule, identifies the prerequisite good faith investigation that must be conducted before seeking service by special order of court.

Rule *430.2 ~~Notice by Publication.~~

~~(A) The Legal Intelligencer shall be~~ **is designated as the legal publication** ~~the official periodical for the publication of all legal notices~~ **required to be published by statute, rule or court order.**

~~(B) Except as otherwise provided by Act of Assembly, rule or special order of Court, service by publication shall be made by publication once in The Legal Intelligencer, and in one daily newspaper of general circulation within the county, such publication to appear in all editions of such newspaper published on the day the same appears, and in such manner that the person so served shall have at least five days after the publication thereof to act thereon.~~

~~(C) The provisions of this rule shall apply in all respects to service in cases in which a different method is specially prescribed, except in the particulars in which such method is in conflict herewith.~~

Note: Former Rule 100; originally Star Rule *233, adopted June 7, 1956, and Star Rule *326. Amended May 20, 2004, effective July 26, 2004. **Former Rule *430.2 renumbered and amended 2019, effective _____, 2019.**

CLEAN VERSION

Rule *430. Publication

The Legal Intelligencer is designated as the legal publication for the publication of legal notices required to be published by statute, rule or court order.

Rule ~~*1019.1~~ *1041.1. Pleadings in Asbestos Cases.

(D) *Joinder of Additional Defendants.*

~~(1) Additional defendants may be joined by any defendant without leave of Court within ninety (90) days after service of the complaint.~~ An additional defendant joined by one defendant shall be deemed to have been joined by all defendants without the necessity of any further pleadings.

Note: Original Order dated July 30, 1986 in *In Re: Asbestos Litigation*, October Term, 1986, No. 0001. **Former Rule *1019.1 renumbered and amended _____, 2019, effective _____, 2019.**