

## **RULE 1901 PROMPT DISPOSITION OF MATTERS; TERMINATION OF INACTIVE CASES**

### **A. Cases before the Court of Common Pleas:**

The Prothonotary, Register of Wills/Clerk of Orphans Court, and Clerk of Courts shall prepare and forward to the District Court Administrator a list of all cases in which no steps or proceedings have been taken for two years or more prior to the 15th day of August of each year for call on the following first Monday of December, or on such other date as the Court by special order may direct. Notice of the proposed termination as provided by Pa.R.J.A. 1901 (c), and as provided by Pa.R.C.P. 230.2 for actions governed by the Pennsylvania Rules of Court Procedure, shall be given by the Prothonotary, Register of Wills/Clerk of Orphans Court, and Clerk of Courts, as applicable, to all parties and/or attorneys prior to the call, including, where required, by publication in the Carbon County Law Journal. If no action is taken, or written objection or statement of intention to proceed is filed, prior to the call, or if good cause for continuing the matter is not shown at the call, the Court shall enter an order dismissing the proceedings.

### **B. Cases before the Magisterial District Courts:**

1. On or before the 15th day of November of each year, each Magisterial District Court shall:

a. Identify all summary citations or tickets issued, including these for violation of any local ordinance, where no plea has been entered or other disposition rendered, and there is no evidence of activity for the immediately preceding three year period.

b. Compile a list for all cases identified in subparagraph (a) above and attach a secure docket sheet that indicates the name of the affiant, the name of the defendant, the docket number and the charge(s) associated with the docket number.

c. Forward this list with attachments to the District Court Administrator.

2. Upon receipt of this list, the District Court Administrator shall:

a. Publish the list in the Carbon County Law Journal.

b. Provide a copy of the list to the Carbon County District Attorney.

3. The publication shall include a notice that the matters listed shall be terminated after thirty (30) days of publication unless a party to the proceeding requests a hearing from the appropriate Magisterial District Court.

a. If the defendant requests a hearing, the matter shall promptly be scheduled for such hearing or other disposition pursuant to the Rules of Criminal Procedure.

b. If the Commonwealth requests a hearing to oppose termination, the matter shall promptly be scheduled to determine if termination is appropriate.

c. Disposition of any hearing, including hearings where a citation or ticket is dismissed over the objection of the Commonwealth, shall be filed of record in the MDJS.

d. The Commonwealth shall have the right to appeal any determination to the Court of Common Pleas within the time period for Summary Appeals pursuant to the Rules of Criminal Procedure.

4. In the event a hearing is not requested within thirty (30) days of publication, the Magisterial District Judge shall:

a. Dismiss any summary traffic and non-traffic citation or parking violation filed which was issued three years prior to November 15th of each respective year.

b. Vacate any active warrant issued for the dismissed summary citation or ticket and promptly remove the warrant from MDJS.

c. Forward notice to the Pennsylvania Department of Transportation that the citation or ticket has been dismissed and request withdrawal of the defendant's license suspension, if applicable, pursuant to Pa.R.Crim.P. 470.

d. Promptly forward to the District Court Administrator a list of all cases which have been dismissed.