

ATTORNEY HANDBOOK

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA**

SEPTEMBER 2007

INTRODUCTION

This handbook is provided as a supplement to the Local Rules of the United States District Court for the Western District of Pennsylvania. It highlights administrative information and provides guidelines for specific procedural areas that have proven to be troublesome for many attorneys. We hope this information will minimize any problems or delays when filing documents, as it is the policy of this Court for Clerk's Office personnel to return any pleadings or other papers by Order of Court that do not comply with the appropriate rules. If there is a potential conflict between this supplement and our Local Rules or the Federal Rules of Civil Procedure, the rules govern.

In our continuous efforts to provide better service and information to the public, we welcome any comments or suggestions for improving this guide. Please send your comments to me at: U.S. District Court, Box 1805, U.S. Post Office & Courthouse, Pittsburgh, PA 15230.

**ROBERT V. BARTH, JR.
CLERK OF COURT**

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I. COURT DIRECTORY

U.S. DISTRICT JUDGES

Chief Judge Donetta W. Ambrose
Pgh: 412-208-7350

Senior Judge Maurice B. Cohill, Jr.
Pgh: 412-208-7380 Erie: 814-464-9620

Senior Judge Gustave Diamond
Pgh: 412-208-7390

Senior Judge William L. Standish
Pgh: 412-208-7430

Senior Judge Alan N. Bloch
Pgh: 412-208-7360

Judge Gary L. Lancaster
Pgh: 412-208-7400

Judge Sean J. McLaughlin
Pgh: 412-208-7490
Erie: 814-464-9610

Judge Joy Flowers Conti
Pgh: 412-208-7330

Judge David Stewart Cercone
Pgh: 412-208-7363

Judge Terrance F. McVerry
Pgh: 412-208-7495

Judge Arthur J. Schwab
Pgh: 412-208-7423

Judge Kim R. Gibson
Johnstown: 814-533-4514

Judge North Barry Fischer
Pgh: 412-208-7480

U.S. MAGISTRATE JUDGES

PART-TIME U.S. MAGISTRATE JUDGES

Francis X. Caiazza, Chief
Pgh: 412-208-7460

Keith A. Pesto
Johnstown: 814-536-4342

Robert C. Mitchell
Pgh: 412-208-7470

Susan Paradise Baxter
Erie: 814-464-9630

Amy Reynolds Hay
Pgh: 412-208-7450

Lisa Pupo Lenihan
Pgh: 412-208-7370

OFFICE OF THE CLERK - LOCATIONS AND OFFICE HOURS

- A. All Court-related inquiries or questions are to be directed to the Clerk's Office within the appropriate division.
- B. The Western District of Pennsylvania has two divisional offices. Listed below are the locations and the counties they serve.
1. JOHNSTOWN DIVISION: Serves the counties of Bedford, Blair, Cambria, Clearfield and Somerset.
 - a. DEPUTY-IN-CHARGE (814) 533-4504
James Graves
208 Penn Traffic Building
319 Washington Street
Johnstown, PA 19501
 2. ERIE DIVISION: Serves the counties of Crawford, Elk, Erie, Forest, McKean, Venango, and Warren.
 - a. U.S. Courthouse (814) 464-9600
17 South Park Row
Erie, Pennsylvania 16501
 3. PITTSBURGH DIVISION (HEADQUARTERS FOR THE DISTRICT): Serves the counties of Allegheny, Armstrong, Beaver, Butler, Clarion, Fayette, Greene, Indiana, Jefferson, Lawrence, Mercer, Washington and Westmoreland.
 - a. CLERK OF COURT (412) 208-7500
Robert V. Barth, Jr.
Room 3100 U.S. Post Office & Courthouse
Pittsburgh, Pennsylvania 15219
 - b. CHIEF DEPUTY (412) 208-7518
Colleen Willison
Room 3110 U.S. Post Office & Courthouse
Pittsburgh, Pennsylvania 15219
 - c. JURY SECTION SUPERVISOR (412) 208-7540
Terri Morder
Room 3300 U.S. Post Office & Courthouse
Pittsburgh, Pennsylvania 15219
 - d. CIVIL DOCKET SECTION & CIVIL APPEALS
CRIMINAL SECTION & CRIMINAL APPEALS
-

Room 3110

To check on:

Cases ending in 1 or 2	(412) 208-7502
Cases ending in 3 or 4	(412) 208-7504
Cases ending in 5 or 6	(412) 208-7506
Cases ending in 7 or 8	(412) 208-7508
Cases ending in 9 or 0	(412) 208-7510

- e. INTAKE SECTION (Filing of Documents & Photocopying)
Room 3110 (412) 208-7500
- f. NATURALIZATION
Room 3110 (412) 208-7500
- g. RECORDS SECTION
Room 3110 (412) 208-7507

C. Hours

All offices are open from 8:30 A.M. to 4:30 P.M.

D. Legal Holidays

New Year's Day
Martin Luther King's Birthday
Presidents' Day
Memorial Day
Independence Day
Labor Day
Columbus Day
Veterans Day
Thanksgiving Day
Christmas Day

Whenever one of these legal holidays falls on Saturday or Sunday, the office is closed on the Friday immediately preceding or the Monday immediately following, respectively.

II. GENERAL PROCEDURES

A. Admission to Practice

1. Procedure [See Local Rule 83.2.1.D.]
 - a. Admissions are by personal appearance on oral motion by another member in good standing. [Call (412) 208-7500 for arrangements]
 - b. Fee of \$160.00 payable to "Clerk, U.S. District Court".
 - c. A pro hac vice admission can be filed on a case by case basis by motion. The motion shall include an affidavit listing all courts where the movant is admitted to practice. A fee of \$40.00 payable to "Clerk, U.S. District Court" is required for each case.
2. Requirements for Admission [See Local Rule 83.2.1.B. and 83.2.1.C.]
 - a. Eligibility for admission to the Pennsylvania Supreme Court; Membership in good standing of the Pennsylvania Supreme Court, the United States Supreme Court, or any other United States District Court.
3. Certificate of Good Standing
 - a. An attorney may request a Certificate of Good Standing from the Clerk's Office to verify that he/she is a member in good standing with the Court.
 - b. Fee of \$15.00 payable to "Clerk, U.S. District Court".
4. Change of Address
 - a. Any time an attorney changes his or her address, he/she must file a notice of the change in each case they appear. This notice can be filed electronically. Counsel must update their email information in the CM/ECF system.

B. Fees of the U.S. District Court, Western District of Pennsylvania

1. All checks are to be made payable to "Clerk, U.S. District Court."
2. For fees charged by the U.S. District Court, see Attachment I.

C. Request for Reproduction of Documents

1. A request for copy work should be directed to (412) 208-7507.
2. If copies are reproduced through the Clerk's Office, the fee is 50 cents per page for hard copies, 10 cents per page for electronic copies. In some cases you may have to wait or return for your copies. Fees must be paid in advance.
3. All divisions will accept copy requests until 4:30 P.M.
4. The fee for certified copies will include a \$9.00 fee for each certification plus copy work.
5. Requests for all depositions and trial transcripts are made through the court reporter. Information concerning the identity of the court reporter is contained within the deposition or transcript. (See Attachment II for transcript order)
6. Case files remain in the Clerk's Office for a time period prescribed by court space needs. At the present time, the period is five years. In most cases, if a case has been closed for more than five years, copies are obtained after we request the return of the record from the Philadelphia Records Center which takes about two weeks. (See Fee Schedule - Attachment I) The staff at the Records Center requests that you telephone them ahead of time to make an appointment to review any records in their custody. A retrieval fee of \$45.00 is charged for each case.

The address and telephone number of the Records Center is as follows:

Federal Records Center
5000 Wissahickon Avenue
Philadelphia, PA 19144
(215) 305-2020

III. COMMENCEMENT OF A CIVIL ACTION

The Clerk has no discretion in the assignment of a civil case; the judges are assigned by computerized random draw.

- A. All pleadings must be filed electronically via the Court's CM/ECF system. For additional information on CM/ECF, including the policies and procedures for electronic filing, please visit the court's website at www.pawd.uscourts.gov.
- B. Requirements for all new civil cases:
 1. Civil Cover Sheet (JS 44) (See Attachment III)
 - a. The original which the attorney prepares and signs is required for filing.
 - b. Instructions for completing the civil cover sheet (See Attachment III-1)
 2. The filing fee for a new civil case is \$350.00. Exception: habeas corpus, \$5.00.
 3. Summons listing each defendant (See Attachment IV)
 - a. Complete the summons with the following information:
 - (1) Western District of Pennsylvania
 - (2) First Plaintiff
 - (3) First Defendant
 - (4) Name and address of each defendant being served
 - (5) Name and address of plaintiff's attorney or pro se litigant
 - (6) Number of days in which to answer summons. (See F.R.Civ.P. Rule 12)
 - b. The original and one copy for each defendant listed on the summons, prepared by the attorney is required.
 - c. Original summonses and all copies will be issued and returned to the attorney for service.

4. Complaint

- a. Each document filed with the Clerk must be on letter-size paper (8½" x 11") with the exception of exhibits to pleadings. (See Local Rule 5.1.A.)
- b. The correct heading for a new complaint should be as follows:

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA		
PLAINTIFF(S))	
)	
vs.)	CIVIL ACTION NO. _____
DEFENDANT(S))	
)	
COMPLAINT		

- c. All parties must be listed in the style of the case. Do not use "et al." on the original complaint.
- d. The civil action is assigned a case number and a judge is chosen by random draw.
- e. Each attorney's or pro se litigant's name must be typed and signed on the last page of the complaint, with:
 - (1) his/her address
 - (2) telephone number
 - (3) if a Pennsylvania attorney, his/her Pennsylvania Attorney ID Number
- f. To file a complaint, the attorney must have an electronic signature on the complaint and must have an electronic signature on all pleadings he/she files with the complaint. If a Pennsylvania attorney, his/her Pennsylvania Attorney ID Number must also appear on the complaint and pleadings.

5. Jury Demand

- a. The jury demand must be filed as a separate pleading or requested in the complaint and included in the title of the complaint. (See F.R.Civ.P. 38)

- b. Designating a jury demand on the civil cover sheet only will not constitute a request. Jury demanded must appear within the complaint.

C. Specific Types of Complaints

1. U.S.A. as a Defendant

In regard to the Federal Rules of Civil Procedure, 4(i) and 12(a), and in suits against the UNITED STATES or any government agency or official, please refer to the list of requirements below:

a. SUMMONS

The clerk's office should receive the summons at the time the complaint is filed.

- (1) The summons will be signed by a deputy clerk and then returned to the attorney.
- (2) A copy of the complaint should be attached to each summons being served. This copy of the complaint will not be provided by the Clerk's office.
- (3) The United States or any government agency or official shall have 60 days to answer the complaint.

b. SERVICE OF SUMMONS

(1) General

- (a) The Marshal no longer serves summonses except:

- For the United States
- On Order of the Court
- Seaman suits

- (b) Anyone 18 years of age or older and not a party to the suit may personally serve the summons and complaint. (See F.R.Civ.P. Rule 4) (See Attachment V)
- (c) F.R.Civ.P. Rule 4 also provides for a waiver of service of a summons to avoid the unnecessary costs of serving a summons. In using this method, the plaintiff must send by first class mail two copies of the waiver forms and a

postage prepaid envelope for returning the waiver. (See Attachments V-1 and V-2)

(2) United States

As stated earlier, Federal Rules of Civil Procedure Rule 4 states that the United States Attorney's Office may be personally served or sent by registered or certified mail.

(3) Foreign Country or a Party in a Foreign Country [See F.R.Civ.P. Rule 4 (f)]

(a) For instructions regarding foreign service, refer to Martindale Hubbell.

(b) In the event you still have difficulty, contact the Secretary of State, Washington, D.C.

(4) Publication

On Order of the Court, the Marshal will serve summons by publication.

c. FILING FEE

\$350.00 payable to "Clerk, U.S. District Court."

2. Notice of Removal

[See F.R.Civ.P. Rule 81 (c) and 28 U.S.C. §§1441-1451]

When removing a civil case from State Court, the following guidelines should be followed:

- a. The style of the Notice of Removal should be the same as the style of the original petition filed in State Court.
- b. Copies of all State Court papers should be attached to the Notice of Removal.
- c. A Certificate of Service or a copy of the Notice of Removal should accompany the Notice of Removal. Service should be made upon the Prothonotary and all opposing counsel.
- d. When an application for removal is filed pertaining to a Bankruptcy proceeding refer to Section 4 c of this section.

3. Application for Writ of Execution

In general, follow Pennsylvania State Court Rules (See F.R.Civ.P. 62 and 69)

a. Writ of Execution

Issued only on federal judgments entered in this district or on federal judgments that have been registered in this district.

b. Action will be initiated by the filing of a petition for Writ of Execution at the civil action number. No Fee. Must wait until 10 days after entry of judgment before executing (See F.R.Civ.P. 62) (Also see Section VII, Paragraph E of this Handbook)

c. No Filing Fee Required.

4. Bankruptcy Matters before the District Court

a. For more specific instructions regarding the Bankruptcy Court, contact the Clerk of the Bankruptcy Court at (412) 644-2700.

b. Appeals

(1) Notices of Appeal

(a) The Notice of Appeal of a ruling of a Bankruptcy Judge must be filed in the Bankruptcy Court along with the filing fee payable to the Bankruptcy Clerk. The Bankruptcy Office will transmit the record to the District Court where it will be assigned a case number and a District Judge will be chosen by random draw. (Also see Section VII, Paragraph C of this Handbook)

(2) Voluntary Motions to Dismiss Appeals

(a) Before Docketing

If an Appeal has not been docketed in the District Court, it may be dismissed by the Bankruptcy Judge upon the filing of a stipulation for dismissal, or on motion and notice by the appellant.

(b) After Docketing

Once an Appeal has been docketed in the District Court, it can only be dismissed by District Court.

(3) Involuntary Motions to Dismiss Appeals

- (a) All Involuntary Motions to Dismiss, either before or after docketing in the District Court, must be presented to a District Judge. The Motion should be filed with the Clerk of the Bankruptcy Court who will then transmit it to the Clerk of the District Court. The Clerk of the District Court will then assign it a civil action number, if one has not already been assigned, and a District Judge will be chosen by random draw. (Also see Section VII, Paragraph C of this Handbook)

(4) Motions for Stay Pending Appeal

- (a) Motions for Stay Pending Appeal taken from Orders of the Bankruptcy Court shall receive a civil action number whether they are transmitted from the Bankruptcy Court or filed directly with this Court. When the Appeal is transmitted from the Bankruptcy Court, it shall be assigned the same civil action number as the Motion for Stay Pending Appeal.

(5) Motions for Leave to Appeal

- (a) Motions for Leave to Appeal an Order of the Bankruptcy Court shall receive a civil action number, whether they are transmitted from the Bankruptcy Court or filed directly with this Court. When the Appeal is transmitted from the Bankruptcy Court it should be assigned the same civil action number as the Motion for Leave to Appeal.

c. Bankruptcy Matters Removed from State Court

- (1) A party removing any State Court action related to a Bankruptcy case may remove the case to the District

Court, or the Bankruptcy Court for the District where such action is pending, if such District Court has jurisdiction of such claim or cause of action under 28 U.S.C. §1452. A removal is instituted in this Court by filing a verified notice of removal containing a short and plain statement of the facts which entitle them to removal, together with a copy of all process, pleadings, and orders served upon them in such action, together with a filing fee of \$350.00. However, a Trustee or Debtor in Possession may request for deferment of payment of filing fee as indicated in Attachment VI.

d. Withdrawal of Reference

- (1) In matters in which the statute provides for trial before a District Judge, counsel may request that their case be heard in District Court. If such action occurs, the following procedures should be followed:
 - (a) File the application or motion with the Bankruptcy Court, together with the appropriate filing fee. The Bankruptcy Court will then transmit the motion and all other necessary documents to the District Court.
 - (b) A case number will be assigned and a District Judge will be chosen by random draw to rule on the application.
 - (c) If the presiding Judge grants the motion to withdraw reference, the case will be heard in District Court in the usual manner.

IV. DEFAULT AND DEFAULT JUDGMENTS

[See F.R.Civ.P. 55(a) & b)]

Default judgment is a two-step process and may be done simultaneously:

"Entry" of default [See F.R.Civ.P. 55 (a)] and

"Judgment" by default [See F.R.Civ.P. 55(b)]

A. ENTRY of Default

1. A default may be entered when a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend within 20 days (60 days for the United States) following service. By waiving service of a summons, a defendant gets 60 days from the date the notice was sent to answer or otherwise respond. Proof of service or waiver of service must be on file with the Clerk.
2. Request to the Clerk for entry of default must be in writing. A request to enter default, affidavit, and proposed order are required. (See Attachment VII for an example)
3. Default cannot be entered until the expiration of the following:
 - a. Twenty (20) calendar days from service of summons and complaint or 60 days from the date notice was sent if service by summons has been waived. (See F.R.Civ.P. 12)
 - (1) Sixty (60) days for the United States
 - (2) If a motion is filed, time is extended until 10 days after notice of the Court's action on the motion (or when a more definite statement is allowed, within 10 days of service of the more definite statement)

B. JUDGMENT by Default

1. Judgment by the Clerk [See F.R.Civ.P. 55(b)(1)]
 - a. May be entered when claim "is for a sum certain or for a sum which can, by computation, be made certain" (e.g., suit on a note, on open account, etc.) A request for default judgment, affidavit and proposed order for judgment are required. (See Attachment VIII for an example)
 - b. Proof required
 - (1) Affidavit containing:

- (a) A verification of the amount due;
 - (b) Showing that defendant is not an infant or incompetent person. [See F.R.Civ.P. 55(b)(1)]
 - (c) Showing the defendant is not in active service of the armed forces. (See 50 U.S.C. App. 520)
 - (2) Other proof according to the nature of the claim
2. Judgment by the Court [See F.R.Civ.P. 55(b)(2)]
- a. All claims other than those which can be entered by the Clerk.
 - b. A request for entry of default must be electronically filed, accompanied by the affidavit, and default will be entered by the Clerk as described in Paragraph A-1 of this section concerning the ENTRY of Default.
 - c. A motion for Default Judgment and proposed order should be electronically filed by the plaintiff requesting the Court to set the matter down for hearing or jury trial for determination of damages. The motion must also contain an affidavit showing that the defendant is not a minor, incompetent, or in the military service.
3. Setting Aside Default & Default Judgment
- a. In order to have a default or default judgment set aside, the moving party would have to file a petition with the Court together with a proposed order of court and a certificate of service.
4. Judgment Against The United States
- a. A Judgment can only be entered against the United States upon evidence satisfactory to the Court.

V. SUBSEQUENT FILINGS

- A. All subsequent pleadings are electronically filed with the Clerk of the Court via the Court's CM/ECF system, and not with the individual judge to whom the case is assigned.
- B. Each pleading must have the correct case style as indicated in the example that follows. It should have the parties' names listed. It is sufficient to list the first party followed by "et. al." or similar on any pleading except:
1. original complaint
 2. amended complaint
 3. any third-party action, or
 4. any pleading adding a party

The style for subsequent filings should be as follows:

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA	
PLAINTIFF)
et. al.,)
)
vs.) CIVIL ACTION NO. _____
)
DEFENDANT)
et. al.,)
<u>TITLE OF PLEADING</u>	

- C. Each document filed with the Clerk must be on lettersize paper (8½" x 11") (See Local Rule 5.1.A.)
- D. Every pleading must be signed by the attorney or the pro se litigant with:
1. his/her name
 2. address
 3. telephone number, and
 4. should contain a certificate of service
 5. If a Pennsylvania attorney, his/her PA attorney I.D. number

E. Summary of General Requirements

1. correct court
2. names of parties
3. correct case number
4. title of pleading
5. electronically signature of attorney with name, firm address, telephone number and Pennsylvania Attorney ID Number, if a Pennsylvania attorney (See F.R.Civ.P. 11)
6. certificate of service (See F.R.Civ.P. 5)

F. In addition to the general requirements, certain motions must also be accompanied by: (See Local Rule 7.1)

1. All motions should be accompanied with a proposed order granting the motion. The proposed order should be filed as a separate attachment from the motion and should have a place for the judge to sign if the motion is granted. [See Local Rule 7.1]
2. All discovery motions require a certificate of conference. (See Attachment X) (See Local Rule 7.1)

VI. DISCOVERY

- A. In the United States District Court for the Western District of Pennsylvania, discovery items (depositions, requests for production, interrogatories, etc.) ARE NOT filed unless ordered by the Judge assigned to the case. (See Attachment XI) (See Local Rule 5.3)
- B. A notice of deposition and the issuance of a deposition subpoena do not need to be accompanied by a Court Order. (See F.R.Civ.P. 30 and 45)
1. The notice of deposition should include:
 - a. name(s) of person(s) being deposed
 - b. time
 - c. date
 - d. location of the deposition, and
 - e. certificate of service containing an original signature
 2. The Clerk shall issue a subpoena, signed but otherwise in blank, to a party requesting it, who shall complete it before service. An attorney as officer of the court may also issue and sign a subpoena as stated more fully in F.R.Civ.P. 45 (a).

VII. POST-JUDGMENT INSTRUMENT

- A. Appeals from U.S. District Judges' Decisions
1. An appeal from any case heard by a United States District Judge shall be taken to the appropriate Appeals Court.
 2. The Notice of Appeal is electronically filed with the Clerk of the District Court and must be accompanied by \$455.00 filing fee, or motion to file in forma pauperis;
 3. In civil proceedings an aggrieved party has 30 days from entry on the docket of the judgment or other appealable disposition to file the Notice of Appeal. (See F.R.App.P. 4) (If the United States is a party, any party has 60 days to file Notice of Appeal)
 4. In criminal proceedings, an appeal must be filed within 10 days after entry on the docket of judgment or the order appealed from.
 5. When a Notice of Appeal is filed, the appellant is responsible for completing a transcript purchase order form as indicated in Attachment II. This form has eight copies which are distributed as indicated at the bottom of each page; i.e., copies 1-4 for the court reporters, copy 5 is for Court of Appeals (from appellant), copy 6 is for District Court (from appellant), copy 7 is for appellee (from appellant), copy 8 is for appellant. A pdf writable version of the form is available on the Court's website at www.pawd.uscourts.gov.
- B. Appeals from U.S. Magistrate Judges' Decisions (See Local Rule 72.1.5)
1. When an aggrieved party is appealing a decision of a United States Magistrate Judge to the United States District Court pursuant to 28 U.S.C. paragraph 636, there is no fee and the party does not prepare a transcript order form. The appeal is electronically filed with the District Clerk and should indicate the appeal was taken to the United States District Court.
 2. If an aggrieved party is appealing a United States Magistrate Judge's decision directly to the Third Circuit Court of Appeals, the same procedure for appealing a decision of a District Court Judge described above should be followed.

C. Appeals from Bankruptcy Judges' Decisions

When a party is appealing a decision of a Bankruptcy Judge, the appeal is filed with the Clerk of the Bankruptcy Court. The Clerk of the Bankruptcy Court then transmits the appeal to the Clerk of the United States District Court who in turn assigns the appeal a civil action number and assigns a judge by random draw. All future pleadings filed in connection with the appeal are electronically filed with the Clerk of the United States District Court and should bear the civil action number assigned the appeal by the United States District Clerk, the bankruptcy estate case number, and if appropriate, any adversary case number.

D. Enforcement of a Judgment

1. To Certify a Judgment

A Certification for Registration in Another District, (Form AO 451) (See Attachment XII) is prepared upon the written or oral request of any party. The fee is \$9.00 for the Certification for Registration and 50 cents per page to reproduce the judgment (this must be done by the Court). Upon request, the completed form may be mailed or picked up provided the fees are paid in advance. The party should then contact the district where the judgment is going to be registered to insure they meet the requirements of that district.

2. To register a judgment entered in any other Federal Court with this Court, the party should first request a Certification for Registration in Another District from the Court where the original judgment was entered. When this is done, the certification form (AO 451) is brought to the District Clerk's Office to be filed and is assigned a miscellaneous case number. The fee for this is \$39.00.

E. Writ of Execution (See example of Praecipe for Writ of Execution, Interrogatories to Garnishee & Claim for Exemption, Attachments XIII-1, XIII-2, and XIII-3)

Writ of Execution forms are available from the District Clerk's Office and website and are to be prepared by the requesting party as detailed in Attachments XIV and XIV-1. Once the form is prepared, the requesting party should have it delivered to the District Clerk's Office for issuance. After processing and issuance, the attorney is notified. A Writ of Execution should be accompanied by a United States Marshal's Form 285 so that the United States Marshal for the Western District of Pennsylvania may execute it. There is no filing fee required by the Clerk for a Writ of Execution. (The Marshal requires a fee for execution) The Marshal only serves Writs of Execution when an actual levy is to be made.

- F. Writs of Execution and interrogatories to garnishees where no property is ordered seized shall be served by a person designated by the Court for such service. (See Attachment XV)
1. Rule 3252 of the Pennsylvania Rules of Civil Procedure provides that the Clerk shall be furnished by the party applying for a Writ of Execution with copies of the notice to the defendant, a summary of major exemptions and a claim for exemptions. In the absence of furnishing such documents, the Clerk shall withhold issuance of the Writ of Execution until such documents are filed.
- G. Bill of Costs [See F.R.Civ.P. 54(d) 28 U.S.C. §§1920, 1924]
1. A bill of costs is prepared by the prevailing party as detailed in Attachment XVI. The bill of costs should reflect all costs incurred by the party, including the \$350.00 filing fee if the plaintiff is the prevailing party.
 - a. Costs can only be taxed by the Clerk when there is a judgment. Costs cannot be taxed in a settled case. The costs would have to be a part of the settlement.
 - b. Fees for trial transcripts are generally not taxed unless they were requested by the Court or were needed for an appeal. When allowed, only the costs of the original is usually permitted. Expedited copies or daily copies are not taxed unless requested by the Court.
 - c. Fees for printing and exemplification of copies are generally not taxable unless offered into evidence.
 - d. Witness fees are for those witnesses who actually appeared and testified. Expert witness fees are not taxed unless permitted by the Court. Expert fees are generally taxed at the same rates and mileage as a regular witness.
 - e. Taxable depositions would be depositions read into the record, used for cross examination or in support of dispositive motions. Discovery depositions taken just for discovery are not taxable.
 - f. Do not put Court of Appeals costs on the District Court Bill of Costs. These costs are taxed by the Court of Appeals. (See F.R.App.P. 39)
 - g. When a Bill of Costs is filed, the Clerk will notify all parties of the procedures that will be used in taxing the costs.

VIII. CONTINUANCES

It is the practice of this court to permit the continuance of a case for good cause. While judicial action regarding a request for continuance lies within the sound discretion of the court to which the request is made, the court is to be guided by its determination of the requirements of justice under the circumstances. In furtherance of this goal, it shall be the policy of the court to reasonably accommodate trial counsel who present compelling personal reasons for a continuance. Compelling personal reasons shall include but not be limited to: childbirth; physical inability to be present at trial due to illness, injury or other temporary disability; and the serious illness or death of a close relative.

Requests for continuances on the basis of compelling personal reasons shall be made via a signed pleading.

ATTACHMENTS

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

AMENDED FEE SCHEDULE AS OF SEPTEMBER, 2007

FILING FEE for any civil action, suit or proceeding (except Habeas) Public Law 104-317 (1996) has amended Section 1914(a) of Title 28)	\$350.00
PETITION TO PERPETUATE TESTIMONY, Rule 27(a), F.R.Civ.P.	39.00
PAPERS BY TRUSTEES under 28 USC §754	39.00
LETTERS ROGATORY or LETTERS OF REQUEST	39.00
REGISTRATION OF JUDGMENT FROM ANOTHER DISTRICT (28 USC §1963)	39.00
CERTIFICATE OF SEARCH (per name)	26.00
CERTIFYING ANY DOCUMENT	9.00
REPRODUCING ANY RECORD or PAPER (per page by the Clerk's Office - See page 6)	.50
ELECTRONIC COPIES .10	
COMPARING ORIGINAL WITH COPY (per page)	2.00
REPRODUCTION OF MAGNETIC TAPE AUDIO RECORDINGS, either cassette or reel-to-reel	26.00
ADMISSION OF ATTORNEYS TO PRACTICE	60.00
PRO HAC VICE ADMISSION TO PRACTICE	40.00
DUPLICATE CERTIFICATE OF ADMISSION	15.00
CERTIFICATE OF GOOD STANDING	15.00
NOTICE OF APPEAL (\$5.00 Filing Fee-\$400.00 Docket Fee)	455.00
MOTION TO QUASH GRAND JURY or FOREIGN DEPOSITION SUBPOENA	39.00
MOTION TO QUASH ADMINISTRATIVE SUMMONS	350.00
MOTION TO QUASH IRS SUBPOENA of APPLICATION TO ENJOIN under 12 USC §3410 (Customer Challenge Cases)	350.00
COMPLAINT IN INTERPLEADER	350.00
NOTICE OF REMOVAL	350.00
RETRIEVAL OF RECORD FROM FEDERAL RECORD CENTER, NATIONAL ARCHIVES, OR OTHER STORAGE LOCATION	45.00
ANY CHECK RETURNED FOR NSF	45.00
APPEAL TO A DISTRICT JUDGE FROM A JUDGMENT OF CONVICTION BY A MAGISTRATE JUDGE IN A MISDEMEANOR CASE	32.00
USAGE OF ELECTRONIC ACCESS TO COURT DATA	\$0.60/MINUTE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS-44

Authority For Cover Sheet

The JS-44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

I. (a) Plaintiffs - Defendants. Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a Government Agency, use only the full name of standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved).

(c) Attorneys. Enter firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)"

II. Jurisdiction. The basis of jurisdiction is set forth under Rule 8 (a). F.R.Civ.P. which requires that jurisdiction be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

United States plaintiff. (1) Jurisdiction is based on 28 U.S.C. §§1345, 1348. Suits by agencies and officers of the United States are included here.

United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an X in this box.

Federal question. (3) This refers to suits under 28 U.S.C. §1331 where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, and act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence and box 1 or 2 should be marked.

ATTACHMENT III - I

Diversity of citizenship. (4) This refers to suits under 28 U.S.C. §1332 where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below.) (Federal question actions take precedence over diversity cases.)

III. Residence (citizenship) of Principal Parties. This section of the JS-44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

IV. Cause of Action. Report the civil statute directly related to the cause of action and give a brief description of the cause.

V. Nature of Suit. Place an "X" in the appropriate box choose one box only. If the nature of suit cannot be determined, be sure the cause of description, in Section IV above, is sufficient to enable the deputy clerk or the statistical clerks in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.

VI. Origin. Place an "X" in one of the seven boxes.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C. §1441. When the petition for removal is granted, check this box.

Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. §1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. §1407. When this box is checked do not check (5) above.

Appeal to District Judge from Magistrate Judge Judgment. (7) Check this box for an appeal from a Magistrate Judge's decision.

VII. Requested in Complaint. Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Civ.P.

Demand. In this space enter the dollar amount (in thousands of dollars) being demanded or indicate other demand such as a preliminary injunction.

Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

VIII. Related Cases. This section of the JS-44 is used to reference relating pending cases if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

Plaintiff)
)
VS) Civil Action No. _____
)
Defendant)

RETURN OF PERSONAL SERVICE OF
SUMMONS, COMPLAINT (OR OTHER PLEADING), AND CONSENT FORM

I HEREBY CERTIFY AND RETURN THAT ON THE ___ DAY OF _____, 20___, at _
___ _M, I PERSONALLY SERVED THIS SUMMONS, COMPLAINT (OR OTHER PLEADING),
AND CONSENT TO PROCEED BEFORE A UNITED STATES MAGISTRATE JUDGE AS
FOLLOWS:

- (1) Name of individual or entity served: _____
Address where served: _____
Other information: _____

- (2) Name of individual or entity served: _____
Address where served: _____
Other information: _____

- (3) Name of individual or entity served: _____
Address where served: _____
Other information: _____

- (4) Name of individual or entity served: _____
Address where served: _____
Other information: _____

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND
CORRECT.

(Signature of Process Server)

(Typed or printed name - Process Server)

(Typed or printed address - Process Server)

ATTACHMENT V

TO: _____
(as _____ of _____)

A lawsuit has been commenced against you (or the entity on whose behalf you are addressed). A copy of the complaint is attached to this notice. It has been filed in the United States District Court for the Western District of Pennsylvania and has been assigned docket number _____.

This is not a formal summons or notification from the court, but rather my request that you sign and return the enclosed waiver of service in order to save the cost of serving you with a judicial summons and an additional copy of the complaint. The cost of service will be avoided if I receive a signed copy of the waiver within _____ days after the date designated below as the date on which this Notice and Request is sent. I enclose a stamped and addressed envelope (or other means of cost-free return) for your use. An extra copy of the waiver is also attached for your records.

If you comply with this request and return the signed waiver, it will be filed with the court and no summons will be served on you. The action will then proceed as if you had been served on the date the waiver is filed, except that you will not be obligated to answer the complaint before 60 days from the date designated below as the date on which this notice is sent (or before 90 days from that date if your address is not in any judicial district of the United States).

If you do not return the signed waiver within the time indicated, I will take appropriate steps to effect formal service in a manner authorized by the Federal Rules of Civil Procedure and will then, to the extent authorized by those Rules, ask the court to require you (or the party on whose behalf you are addressed) to pay the full costs of such service. In that connection, please read the statement concerning the duty of parties to waive the service of the summons, which is set forth at the foot of the waiver form.

I affirm that this request is being sent to you on behalf of the plaintiff, this _____ day of _____, _____.

Signature of Plaintiff's Attorney or
Unrepresented Plaintiff

ATTACHMENT V-I

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

Plaintiff
vs. :

Defendant

:
:
: Civil Action No. _____
:
:

REQUEST FOR DEFERMENT OF PAYMENT OF FILING
FEE AND EXEMPTION FROM POSTING REMOVAL BOND

I, _____ Trustee or Debtor in Possession, do hereby request that the filing fee be deferred until such time as an estate is realized and in support of this request, I hereby declare there are no liquid assets presently available to pay said filing fee. I further request that I be exempt from posting a removal bond pursuant to Bankruptcy Rule 9027(b).

Trustee or Debtor in Possession

Dated: _____

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

)
)
)
) CIVIL ACTION NO.
)
)
)

REQUEST TO ENTER DEFAULT

To the Clerk of the U.S. District Court for the Western District of Pennsylvania

You will please enter the default of the defendant for failure to plead or otherwise defend as provided by the Federal Rules of Civil Procedure as appears from the affidavit of

_____ hereto attached.
(counsel)

(counsel)

AND NOW, THIS ___ DAY OF _____, 20 __ pursuant to request to enter default and affidavits filed, default is hereby entered against Defendant for failure to plead or otherwise defend.

Clerk

ATTACHMENT VII

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

)
)
)
) CIVIL ACTION NO.
)
)
)

REQUEST FOR DEFAULT JUDGMENT

To the Clerk of the United States District Court
for the Western District of Pennsylvania

Upon the affidavit attached hereto, you will please enter judgment by default against
_____, Defendant in the above entitled action for \$_____, plus costs.

(counsel)

ATTACHMENT VIII

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

)
)
) CIVIL ACTION NO. _____
)
)

AFFIDAVIT FOR DEFAULT JUDGMENT

COMMONWEALTH OF PENNSYLVANIA)
) ss:
COUNTY OF ALLEGHENY)

_____ being duly sworn says that he/she is attorney for Plaintiff(s) in the above-entitled action; that the amount due to Plaintiff from Defendant is \$_____, plus costs; and that Defendant is not an infant or incompetent person; that the default of the Defendant has been entered for failure to appear in the action; that the amount shown is justly due and owing and that no part thereof has been paid; and that the defendant is not in the military service of the United States.

(counsel)

Sworn to and subscribed before me
this ___ day of _____, 20_____

Notary Public

My commission expires:

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN
DISTRICT OF PENNSYLVANIA

)
)
)
) CIVIL ACTION NO. _____
)
)
)

J U D G M E N T

Defendant _____ (NAME) _____, having failed to plead or otherwise defend in this action,
and default having been entered,

NOW, upon application of the Plaintiff and upon affidavit that Defendant is indebted to the
Plaintiff in the sum of \$ _____, that Defendant is not an infant or incompetent person and not in
the military service of the United States, it is hereby

ORDERED, ADJUDGED AND DECREED, that Plaintiff(s) recover of Defendant the sum of
\$ _____ plus costs of this suit.

CLERK

Dated: _____

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ATTACHMENT IX

LR 7.1 MOTION PRACTICE

A. Motions shall be placed in the following two classifications:

1. Ex Parte Motions. These shall be filed with the clerk of court for presentation to a judge for signature. No notice to opposing party or counsel need be given.

2. Miscellaneous Motions. These are motions which require notice and a copy thereof to be served on the opposing party or counsel, together with a certificate of service. The notice shall set forth the time when said motion will be filed with the clerk of court.

B. Unless such motion is accompanied by a proposed appropriate order of court, it is improper and may be stricken by the court upon its own motion or upon the motion of an adverse party.

C. The clerk of court shall not accept for filing under the Rules of Civil Procedure any motion relating to discovery unless said motion is accompanied by a certificate from counsel of record certifying that they have conferred and consulted with respect to each matter set forth in said motion and are unable to resolve the differences which exist. Said certificate shall set forth the exact time and place of the conference and consultation. Where counsel for movant cannot furnish the required certificate, he/she shall furnish an alternate certificate stating that opposing counsel has refused to so meet and confer, or to sign the required certificate, or stating such other facts and circumstances supporting the absence of the required certificate and movant's efforts to obtain compliance by opposing counsel.

D. Upon receipt of any such motion with the required or alternate certificate attached, the clerk shall refer the same to the member of the court to whom the case was assigned for disposition, except in cases where such matters may be required to be submitted to the emergency or miscellaneous judge, or the judge to whom matters may be temporarily referred by the judge to whom the case was assigned.

1. Motions of an emergency nature wherein there is not sufficient time to give notice to opposing party or counsel of their presentation. These shall be filed with the Clerk of Court and shall then be taken immediately to a judge, who shall forthwith hear said motion or fix a time for hearing so that sufficient notice and copy of the motion may be given to the opposing party or counsel.

ATTACHMENT X

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

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)
)
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)

ORDER OF COURT

AND NOW, this ___ day of _____, 20_____, in accordance with Federal Rule of Procedure 5(d) and Local Rule 5.3, of the Local Rules of Court for the Western District Court for the Western District of Pennsylvania, it is hereby ORDERED that **all** discovery material in the above captioned case, including but not limited to, deposition upon oral examination and interrogatories, request for documents, request for admission, and answer and responses thereto, shall be filed with the Clerk of Court for the Western District of Pennsylvania.

UNITED STATES DISTRICT JUDGE

cc: COUNSEL OF RECORD

ATTACHMENT XI

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

Plaintiff)
)
 vs.) Miscellaneous No.
)
 Defendant) (See Civil Action No. _____)
)
 vs.)
)
 Garnishees)

PRAECIPE FOR WRIT OF EXECUTION

TO: Clerk, U.S. District Court

Please issue a Writ of Execution in the above matter;

1. against Defendant, Davis & Davis, Inc., and Garnishees Pittsburgh National Bank and Mellon Bank;

2. and index this Writ:

a. against Defendant, Davis & Davis, Inc., and Garnishees, Pittsburgh National Bank and Mellon Bank.

3. Amount Due:	\$22,776.00
Service Costs:	37.00
Clerk of U.S. District Court:	<u>150.00</u>
Total Due:	\$22,963.00

BY: _____
ATTORNEYS FOR PLAINTIFF

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

Plaintiff)
)
 vs.) Miscellaneous No.
)
 Defendant)
) (See Civil Action No. _____)
 vs.)
)
 Garnishees)

INTERROGATORIES TO GARNISHEE

TO: (GARNISHEE)

YOU ARE REQUIRED TO FILE ANSWERS UNDER OATH TO THE FOLLOWING INTERROGATORIES WITHIN TWENTY DAYS AFTER SERVICE UPON YOU. FAILURE TO DO SO MAY RESULT IN JUDGMENT AGAINST YOU.

1. At the time you were served or at any subsequent time, has the Defendant, either individually or jointly with any other party, maintained a checking, savings, commercial or other type of account at your institution either as owner, agent, maker or in any other capacity?
2. If the answer to Interrogatory No. 1 is "yes", state for each account:
 - (a) Name in which such was maintained;
 - (b) Names and addresses of all persons or entities having an interest therein;
 - (c) Names and addresses of all persons or entities authorized to draw thereon;
 - (d) Account Number;
 - (e) Location of office where account maintained;
 - (f) Date opened;
 - (g) Dollar amount therein on date of service;
 - (h) Date and amount of each deposit or withdrawal therefrom after the date of service.

ATTACHMENT XIII-2

3. At the time you were served or at any subsequent time, did you have in your possession, custody or control (as fiduciary, trustee or otherwise) any property, tangible or intangible, in which the Defendant had any interest whatsoever, including but not limited to, trust accounts, certificates of deposit, pledges, promissory notes, etc.
4. If the answer to Interrogatory No. 3 is "yes", state:
 - (a) Brief description thereof;
 - (b) Location thereof;
 - (c) Date that you received same;
 - (d) Dollar amount or value thereof;
 - (e) Terms upon which the property is being held;
 - (f) Names and addresses of all persons, entities or companies having an interest therein.
5. At the time you were served or at any subsequent time, did you have a security interest in any property in which the Defendant had an interest either individually or jointly with any other party or were you holding any document of title or other collateral of any land as security for any loan or time purchase transaction in which your institution was a party.
6. If the answer to No. 5 is "yes", state for each loan:
 - (a) Names and addresses of parties thereto;
 - (b) Original loan amount and present balance owed;
 - (c) Amount of monthly payments and whether current;
 - (d) With regard to the collateral for such loan, the names and addresses of the owners thereof, a brief description thereof and the dollar amount or value thereof.

BY: _____
ATTORNEYS FOR PLAINTIFF

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,)	
)	
Plaintiff)	Miscellaneous No.
)	
v.)	(See Civil Action No. 85-1776)
)	
JOSEPH R. PRITCHETT,)	
)	
Defendant)	

CLAIM FOR EXEMPTION

To the United States Marshal:

I, the above-named defendant claim exemption of property from levy or attachment:

(1) From my real or personal property in my possession which has been levied upon, I claim the following exemption (specify the property and basis for exemption):

_____;

(2) From my property which is in the possession of a third party, I claim the following exemptions.

(a) Social Security benefits on deposit in the amount of \$ _____;

(b) Other (specify amount and basis of exemption):

_____;

I request a prompt court hearing to determine the exemption.

Notice of the hearing should be given to me at:

(ADDRESS)

(TELEPHONE NO.)

ATTACHMENT XIII-3

I verify that the statements made in this Claim for Exemption are true and correct. I understand that false statements herein are made subject to penalties of 18 U.S.C. §1001 relating to unsworn falsification to authorities.

DATE: _____

DEFENDANT: _____

THIS CLAIM TO BE FILED WITH
THE OFFICE OF THE UNITED STATES MARSHAL
WESTERN DISTRICT OF PENNSYLVANIA

241 U.S. Post Office and Courthouse
Pittsburgh, PA 15219
(412) 644-3351

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

)
)
) Miscellaneous No.
)
) (See Civil Action No. _____)
)
)
)

WRIT OF EXECUTION

UNITED STATES OF AMERICA
WESTERN DISTRICT OF PENNSYLVANIA

To the United States Marshal for the Western District of Pennsylvania:

To satisfy the Judgment, interest and costs against _____

_____ Defendant:

- (1) You are directed to levy upon the property of the defendant to sell his interest therein;
- (2) You are further directed to levy upon and sell all other real and personal property belonging to the Defendant and situate within this jurisdiction.

Amount due \$

Interest \$

Costs \$

Plus costs of execution
of this writ

CLERK

DATED:

DEPUTY CLERK

**ATTACHMENT XIV
WRIT OF EXECUTION WITHOUT A GARNISHEE**

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

)
)
) Miscellaneous No.
)
) (See Civil Action No. _____)
)
)

WRIT OF EXECUTION

UNITED STATES OF AMERICA:
WESTERN DISTRICT OF PENNSYLVANIA:

To the United States Marshal of the Western District of Pennsylvania:
To satisfy the judgment, interest and costs against _____

Defendant:

- (1) You are directed to levy upon the property of the defendant to sell his interest therein;
- (2) You are also directed to attach the property of the defendant not levied upon the in possession of

_____ as garnishee, and to notify the garnishee that

- (a) an attachment has been issued;
 - (b) The garnishee is enjoined from paying any debt to or for the account of the defendant and delivering any property of the defendant or otherwise disposing thereof,
- (3) If property of the defendant not levied upon and subject to attachment is found in the possession of anyone other than a named garnishee, you are directed to notify him that he has been added as a garnishee and is enjoined as above stated.

Amount due \$
Interest from Costs \$
Plus costs of service of \$
writ of execution

CLERK _____

DATED:

DEPUTY CLERK _____

**ATTACHMENT XIV-1
WRIT OF EXECUTION WITH GARNISHEE**

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

)
) Miscellaneous No.
)
)
) (See Civil Action No. _____)
)
)
)

MOTION FOR SPECIAL APPOINTMENT TO SERVE PROCESS

Pursuant to Rule 4(c), Federal Rules of Civil Procedure, the plaintiff(s) in the above-captioned civil action hereby move(s) this Court to specially appoint _____ to serve the _____ upon _____ in this action, and represent(s) that

1. Said person is competent and not less than eighteen (18) years of age.
2. Said person is not and will not be a party to this action.
3. Granting the instant motion will effect substantial savings in time and/or travel fees of the United States Marshal.

ATTORNEY FOR PLAINTIFF(S)

ORDER

AND NOW, to wit, this ___ day of _____, 20___, IT IS ORDERED that _____ be and the same specially appointed to serve the _____, upon _____ in this action.

IT IS FURTHER ORDERED that proof of such service shall be made by affidavit in accordance with Rule 4(g), Federal Rules of Civil Procedure.

FOR THE COURT:

ROBERT V. BARTH, JR., CLERK

DEPUTY CLERK