

RULE 1306 REPORT & AWARD. DELAY DAMAGES.

- (1)** The Chairman of the Board of Arbitrators shall prepare and file the report of the Board's action, which report shall show the time and place of meeting, shall indicate that the parties were heard or that an opportunity to hear the parties was afforded, and shall include the findings of the Board and any award.
- (2) (a)** In all cases subject to the provisions of this Rule where damages for delay are claimed, the Plaintiff shall, no later than the commencement of the hearing, present to the Chairman of the Board of Arbitrators in a sealed envelope a statement containing the required information, which shall be substantially in the form contained in subsection (c) below. Each question on the form shall be answered and the form shall be executed by all parties to the action or their counsel.

Those parties not concurring in the information contained on the form to be submitted by Plaintiff shall state thereon a brief explanation as to the reasons for their nonconcurrence. Parties failing to state the reasons for nonconcurrence shall be deemed to be in concurrence.

Plaintiff shall serve a copy of the executed form upon all other parties or their counsel at or before the time the same is presented to the arbitrators. Failure of Plaintiff to comply with this rule shall be deemed to be a waiver of any delay damages.

- (b)** No arbitrator shall open the aforesaid envelope or in any other manner attempt to ascertain the contents thereof until the Board of Arbitrators shall have reached a decision on the merits in the case and then only if delay damages are applicable. If, after deciding the merits of the case, delay damages are not applicable, the Chairman of the Board of Arbitrators shall return the envelope to the Prothonotary, together with the report of the Board.

(c) The form referred to in sub-section (a) shall be as follows:

Plaintiff : IN THE COURT OF COMMON PLEAS
: DAUPHIN COUNTY, PENNSYLVANIA
:
vs. : CIVIL ACTION –
:
:
Defendant : NO.

DELAY DAMAGES

- (1) On what date did the cause of action accrue?
- (2) On what date was the Complaint filed?
- (3) Was this action pending on April 15, 1979?
- (4) Was a written offer of settlement made by any Defendant, or additional Defendant? If so state:
 - (a) The date of the written offer;
 - (b) Whether it was in effect at the time of commencement of the hearing;
 - (c) The amount of the offer of settlement; and

Attach a copy of the written offer of settlement.

Attorney for Plaintiff(s)

Attorney for Defendant(s)

Attorney for Additional
Defendant(s)

I do not concur for the following reasons:

Attorney for Defendant(s)

Attorney for Additional
Defendant(s)

Where opposing counsel refuses to execute the document, the following shall be attached:

ATTORNEY'S CERTIFICATE

I hereby certify that I served a copy of the foregoing document on opposing counsel on the _____ day of _____, 19 _____, and seek his concurrence.

Attorney for Plaintiff