

Rule 1101. Appeals as of Right from the Commonwealth Court.

* * *

- (b) **Procedure on [appeal.] Appeal.** An appeal within the scope of **[Subdivision] subdivision** (a) of this rule shall be taken to the Supreme Court in the manner prescribed in Chapter 9 (appeals from lower courts), except that if the notice of appeal is transmitted to the Prothonotary of the Commonwealth Court by means of first class, express, or priority United States Postal Service mail, the notice of appeal shall be deemed received by the prothonotary for the purposes of **[Rule] Pa.R.A.P.** 121(a) (filing) on the date deposited in the United States mail, as shown on a United States Postal Service Form 3817 Certificate of Mailing, **Form 3800 Receipt for Certified Mail, Form 3806 Receipt for Registered Mail,** or other similar United States Postal Service form from which the date of deposit can be verified. The certificate of mailing or other similar Postal Service form from which the date of deposit can be verified shall be cancelled by the Postal Service, shall show the docket number of the matter in the Commonwealth Court and shall be either enclosed with the notice of appeal or separately mailed to the prothonotary. Upon actual receipt of the notice of appeal the prothonotary shall immediately stamp it with the date of actual receipt. That date, or the date of earlier deposit in the United States mail as prescribed in this subdivision, shall constitute the date when the appeal was taken, which date shall be shown on the docket.

[Official Note:] Comment:

* * *

The United States Postal Service Form 3817 mentioned in **[Subdivision] subdivision** (b) is reproduced in the **[note] comment** to **[Rule] Pa.R.A.P.** 1112 (appeals by allowance).

Rule 1112. Appeals by Allowance.

* * *

(c) **Petition for [allowance of appeal.] Allowance of Appeal.**

(1) * * *

(2) If the petition for allowance of appeal is transmitted to the Prothonotary of the Supreme Court by means of first class, express, or priority United States Postal Service mail, the petition shall be deemed received by the Prothonotary for the purposes of Pa.R.A.P. 121(a) (filing) on the date shown by the United States Postal Service as the date accepted for posting, as evidenced by a United States Postal Service Form 3817 Certificate of Mailing, **Form 3800 Receipt for Certified Mail, Form 3806 Receipt for Registered Mail,** or other similar United States Postal Service form from which the date of deposit can be verified. The certificate of mailing or other similar Postal Service form from which the date of deposit can be verified shall be cancelled by the Postal Service, shall show the docket number of the matter in the appellate court below, and shall be either enclosed with the petition or separately mailed to the Prothonotary.

* * *

[Official Note:] Comment:

* * *

The United States Postal Service form may be in substantially the following form:

* * *

The transmittal should be taken *unsealed* to the Post Office, the Form 3817 Certificate of Mailing, **Form 3800 Receipt for Certified Mail, Form 3806 Receipt for Registered Mail,** or other similar United States Postal Service form from which the date of deposit can be verified should be obtained, cancelled, and attached to the petition, and the envelope should only then be sealed. Alternatively, the cancelled Form 3817, **Form 3800, Form 3806,** or other similar United States Postal Service form from which the date of deposit can be verified can be submitted to the Prothonotary under separate cover with clear identification of the filing to which it relates.

It is recommended that the petitioner obtain a duplicate copy of the Form 3817, **Form 3800, Form 3806**, or other similar United States Postal Service form from which the date of deposit can be verified as evidence of mailing. Since the Post Office is technically the filing office for the purpose of this rule, a petition which was mailed in accordance with this rule and which is subsequently lost in the mail will nevertheless toll the time for petitioning for allowance of appeal. However, counsel will be expected to follow up on a mail filing by telephone inquiry to the appellate prothonotary where written notice of the docket number assignment is not received in due course.

* * *

Rule 1123. Denial of Appeal; Reconsideration.

* * *

- (c) **Manner of [filing.] Filing.** If the application for reconsideration is transmitted to the prothonotary of the appellate court by means of first class, express, or priority United States Postal Service mail, the application shall be deemed received by the prothonotary for the purposes of Pa.R.A.P. 121(a) (filing) on the date deposited in the United States mail as shown on a United States Postal Service Form 3817 Certificate of Mailing, **Form 3800 Receipt for Certified Mail, Form 3806 Receipt for Registered Mail,** or other similar United States Postal Service form from which the date of deposit can be verified. The certificate of mailing or other similar Postal Service form from which the date of deposit can be verified shall be cancelled by the Postal Service, shall show the docket number of the matter in the court in which reconsideration is sought, and shall be enclosed with the application or separately mailed to the prothonotary. Upon actual receipt of the application, the prothonotary shall immediately stamp it with the date of actual receipt. That date, or the date of earlier deposit in the United States mail as prescribed in this **[paragraph] subdivision,** shall constitute the date when application was sought, which date shall be shown on the docket.

Rule 1311. Interlocutory Appeals by Permission.

* * *

- (b) **Petition for [permission to appeal.--] Permission to Appeal.** Permission to appeal from an interlocutory order listed in **[paragraph] subdivision (a)** may be sought by filing a petition for permission to appeal with the prothonotary of the appellate court within 30 days after entry of such order or the date of deemed denial in the trial court or other government unit with proof of service on all other parties to the matter in the trial court or other government unit and on the government unit or clerk of the trial court, who shall file the petition of record in such trial court. An application for an amendment of an interlocutory order to set forth expressly either the statement specified in 42 Pa.C.S. § 702(b) or the one in Pa.R.A.P. 341(c) shall be filed with the trial court or other government unit within 30 days after the entry of such interlocutory order, and permission to appeal may be sought within 30 days after entry of the order as amended. Unless the trial court or other government unit acts on the application within 30 days after it is filed, the trial court or other government unit shall no longer consider the application and it shall be deemed denied. If the petition for permission to appeal is transmitted to the prothonotary of the appellate court by means of first class, express, or priority United States Postal Service mail, the petition shall be deemed received by the prothonotary for the purposes of Pa.R.A.P. 121(a) (filing) on the date deposited in the United States mail, as shown on a United States Postal Service Form 3817 Certificate of Mailing, **Form 3800 Receipt for Certified Mail, Form 3806 Receipt for Registered Mail,** or other similar United States Postal Service form from which the date of deposit can be verified. The certificate of mailing or other similar Postal Service form from which the date of deposit can be verified shall be cancelled by the Postal Service, shall show the docket number of the matter in the trial court or other government unit, and shall be either enclosed with the petition or separately mailed to the prothonotary. The petitioner must file the original and one copy. Upon actual receipt of the petition for permission to appeal, the prothonotary of the appellate court shall immediately stamp it with the date of actual receipt. That date, or the date of earlier deposit in the United States mail as prescribed in this **[paragraph] subdivision**, shall constitute the date when permission to appeal was sought, which date shall be shown on the docket. The prothonotary of the appellate court shall immediately note the appellate docket number assignment upon the petition for permission to appeal and give notice of the docket number assignment to the government unit or clerk of the trial court, to the petitioner, and to the other persons named in the proof of service accompanying the petition.

* * *

[Official Note:] Comment:

* * *

[See the Official Note] See the Comment to Pa.R.A.P. 1112 (appeals by allowance) for an explanation of the procedure when Form 3817, **Form 3800, Form 3806,** or other similar United States Postal Service form from which the date of deposit can be verified is used.

* * *

Rule 1514. Filing and Service of the Petition for Review.

(a) **Filing with the [prothonotary.--] Prothonotary.**

(1) The petition for review, with proof of the service that is required by **[paragraph] subdivision** (c) **[of this rule]**, shall be filed with the prothonotary of the appellate court in person or by first class, express, or priority United States Postal Service mail.

(2) If the petition for review is filed by first class, express, or priority United States Postal Service mail, the petition shall be deemed received by the prothonotary for the purposes of Pa.R.A.P. 121(a) on the date deposited in the United States mail, as shown on a United States Postal Service Form 3817[,] Certificate of Mailing, **Form 3800 Receipt for Certified Mail, Form 3806 Receipt for Registered Mail,** or other similar United States Postal Service form from which the date of deposit can be verified. The certificate of mailing or other similar Postal Service form from which the date of deposit can be verified shall be cancelled by the Postal Service and shall show the docket number of the matter in the government unit, and shall be either enclosed with the petition or separately mailed to the prothonotary.

(3) Upon actual receipt of the petition for review, the prothonotary shall immediately:

[(1)](i) stamp it with the date of actual receipt. That date, or the date of earlier deposit in the United States mail as prescribed in this **[paragraph] subdivision**, shall constitute the date of filing;

[(2)](ii) assign a docket number to the petition for review; and

[(3)](iii) give written notice of the docket number assignment in person or by first class mail to the government unit that made the determination sought to be reviewed, to the petitioner, and to the other persons named in the proof of service accompanying the petition.

* * *

[Official Note: See the Official Note] Comment: See the Comment to Pa.R.A.P. 1112 (appeals by allowance) for an explanation of the procedure when Form 3817, **Form**

3800, Form 3806, or other similar United States Postal Service form from which the date of deposit can be verified is used.

* * *

Rule 1602. Filing.

* * *

(b) **Deemed [received on date of mailing.--] Received on Date of Mailing.**

- (1)** If the petition for specialized review is transmitted to the prothonotary of the appellate court by means of first class, express, or priority United States Postal Service mail, the petition shall be deemed received by the prothonotary for the purposes of Pa.R.A.P. 121(a) on the date deposited in the United States mail, as shown on a United States Postal Service Form 3817 Certificate of Mailing, **Form 3800 Receipt for Certified Mail, Form 3806 Receipt for Registered Mail,** or other similar United States Postal Service form from which the date of deposit can be verified.
- (2)** The certificate of mailing or other similar Postal Service form from which the date of deposit can be verified shall be cancelled by the Postal Service, shall show the docket number of the matter in the trial court or other government unit and shall be either enclosed with the petition or separately mailed to the prothonotary. Upon actual receipt of the petition for specialized review the prothonotary of the appellate court shall immediately stamp it with the date of actual receipt. That date, or the date of earlier deposit in the United States mail as prescribed in this **[paragraph] subdivision,** shall constitute the date of filing, which date shall be shown on the docket.
- (3)** The prothonotary of the appellate court shall immediately note the appellate docket number assignment upon the petition and give written notice of the docket number assignment in person or by first class mail to the government unit or clerk of the trial court, to the petitioner and to the other persons named in the proof of service accompanying the petition.

* * *

Rule 1925. Opinion in Support of Order.

* * *

(b) **Direction to [file statement of errors complained of on appeal; instructions to the appellant and the trial court.] File Statement of Errors Complained of on Appeal; Instructions to the Appellant and the Trial Court.** * * *

(1) **[Filing and service.] Filing and Service.** The appellant shall file of record the Statement and concurrently shall serve the judge. Filing of record shall be as provided in Pa.R.A.P. 121(a) and, if mail is used, shall be complete on mailing if the appellant obtains a United States Postal Service Form 3817[,] Certificate of Mailing, **Form 3800 Receipt for Certified Mail, Form 3806 Receipt for Registered Mail,** or other similar United States Postal Service form from which the date of deposit can be verified in compliance with the requirements set forth in Pa.R.A.P. 1112(c). Service on the judge shall be at the location specified in the order, and shall be either in person, by mail, or by any other means specified in the order. Service on the parties shall be concurrent with filing and shall be by any means of service specified under Pa.R.A.P. 121(c).

* * *

Rule 2542. Time for Application for Reargument; Manner of Filing.

(a) **Time.**

(1) **[General rule.--] General Rule.** Except as otherwise prescribed by this rule, an application for reargument shall be filed with the prothonotary within 14 days after entry of the judgment or other order involved.

(2) **[Children's fast track appeals.--] Children's Fast Track Appeals.** In a children's fast track appeal, an application for reargument shall be filed with the prothonotary within 7 days after entry of the judgment or other order involved.

(b) **Manner of Filing.** If the application for reargument is transmitted to the prothonotary of the appellate court by means of first class, express, or priority United States Postal Service mail, the application shall be deemed received by the prothonotary for the purposes of **[Rule] Pa.R.A.P. 121(a)** (filing) on the date deposited in the United States mail as shown on a United States Postal Service Form 3817 Certificate of Mailing, **Form 3800 Receipt for Certified Mail, Form 3806 Receipt for Registered Mail**, or other similar United States Postal Service form from which the date of deposit can be verified. The certificate of mailing or similar Postal Service form from which the date of deposit can be verified shall be cancelled by the Postal Service, shall show the docket number of the matter in the court in which reargument is sought and shall be enclosed with the application or separately mailed to the prothonotary. Upon actual receipt of the application, the prothonotary shall immediately stamp it with the date of actual receipt. That date, or the date of earlier deposit in the United States mail as prescribed in this subdivision, shall constitute the date when application was sought, which date shall be shown on the docket.

[Official Note: Former Supreme Court Rule 64, former Superior Court Rules 55 and 58 and former Commonwealth Court Rule 113A required the application for reargument to be filed within ten days of the entry of the order.] Comment: Under **[Rule] Pa.R.A.P. 105(b)** (enlargement of time) the time for seeking reargument may be enlarged by order, but no order of the Superior Court or of the Commonwealth Court, other than an actual grant of reargument meeting the requirements of **[Rule] Pa.R.A.P. 1701(b)(3)** (authority of lower court or agency after appeal), will have the effect of postponing the finality of the order involved under **[Rule] Pa.R.A.P. 1113** (time for petitioning for allowance of appeal).

[The 1986 amendment provided that an application shall be deemed received on the date deposited in the United States mail as shown on a United States Postal Service Form 3817 Certificate of Mailing.

The 2008 amendment provides that an application shall be deemed received on the date deposited in the United States mail as shown on a United States Postal Service Form 3817 Certificate of Mailing or other similar United States Postal Service form from which the date of deposit can be verified.]

Rule 3307. Applications for Leave to File Original Process.

* * *

- (b) **General [rule.--] Rule.** The initial pleading in any original action or proceeding shall be prefaced by an application for leave to file such pleading, showing service upon all parties to such action or proceeding. The matter will be docketed when the application for leave to file is filed with the Prothonotary of the Supreme Court. The application shall be deemed filed on the date received by the prothonotary unless it was on an earlier date deposited in the United States mail and sent by first class, express, or priority United States Postal Service mail as shown on a United States Postal Service Form 3817 Certificate of Mailing, **Form 3800 Receipt for Certified Mail, Form 3806 Receipt for Registered Mail**, or other similar United States Postal Service form from which the date of deposit can be verified. The certificate of mailing or similar Postal Service form from which the date of deposit can be verified shall be cancelled by the Postal Service, shall show the docket number of the matter, if known, and shall be either enclosed with the application or separately mailed to the prothonotary. Appearances shall be filed as in other original actions. An adverse party may file an answer no later than 14 days after service of the application. The answer shall be deemed filed on the date of mailing if first class, express, or priority United States Postal Service mail is utilized. An adverse party who does not intend to file an answer to the application shall, within the time fixed by these rules for the filing of an answer, file a letter stating that an answer to the application will not be filed. Upon receipt of the answer to the application, or a letter stating that no answer will be filed, from each party entitled to file such, the application, pleadings, and answer to the application, if any, shall be distributed by the prothonotary to the Supreme Court for its consideration.

* * *

Rule 3309. Applications for Extraordinary Relief.

- (a) **General [rule.] Rule.** An application for relief under 42 Pa.C.S. § 726 (extraordinary jurisdiction), or under the powers reserved by the first sentence of Section 1 of the Schedule to the Judiciary Article, shall show service upon all persons who may be affected thereby, or their representatives, and upon the clerk of any court in which the subject matter of the application may be pending. The application shall be deemed filed on the date received by the prothonotary unless it was on an earlier date deposited in the United States mail and sent by first class, express, or priority United States Postal Service mail as shown on a United States Postal Service Form 3817 Certificate of Mailing, **Form 3800 Receipt for Certified Mail, Form 3806 Receipt for Registered Mail**, or other similar United States Postal Service form from which the date of deposit can be verified. The certificate of mailing or similar Postal Service form from which the date of deposit can be verified shall be cancelled by the Postal Service, shall show the docket number of the matter if known and shall be either enclosed with the application or separately mailed to the prothonotary. Appearances shall be governed by **[Rule] Pa.R.A.P. 1112** (entry of appearance) unless no appearances have been entered below, in which case appearances shall be filed as in original actions.

* * *

Rule 3781. Claim Procedure in Liquidation Proceedings.

(a) **Filing a [proof of claim.] Proof of Claim.**

- (1) A creditor asserting a monetary claim against the insurer's estate shall file a proof of claim with the liquidator in accordance with Article V.
- (2) In the notice to potential creditors of the insurer's estate, the liquidator shall provide a proof of claim form that complies with Article V.
- (3) The completed proof of claim form and supporting documentation shall be filed with the liquidator. A proof of claim form is filed when received by the liquidator except as described below. The liquidator is deemed to have received the proof of claim form on the date of mailing as established by a United Postal Service Form 3817 Certificate of Mailing, **Form 3800 Receipt for Certified Mail, Form 3806 Receipt for Registered Mail,** or by any similar form from which the date of deposit in the mail can be verified or the date of transmission by facsimile (fax) or electronic mail (e-mail), as documented by the sender's fax or computer. If filing is accomplished by fax, the claimant shall also comply with the requirements of **[Pa.R.C.P. No.] Pa.R.Civ.P.** 440(d)(2), relating to a fax cover sheet.

* * *

Rule 4002. Manner of Taking Appeal.

An appeal shall be taken by filing, in person or by first class, express, or priority United States Postal Service mail, a notice of appeal with the State Judge Advocate for the respective branch of service in which the court-martial has been convened.

If the notice of appeal is filed by first class, express, or priority United States Postal Service mail, the notice shall be deemed received by the State Judge Advocate for the purposes of filing on the date deposited in the United States mail, shown on a United States Postal Service Form 3817[,], Certificate of Mailing, **Form 3800 Receipt for Certified Mail, Form 3806 Receipt for Registered Mail**, or other similar United States Postal Service form from which the date of deposit can be verified. The certificate of mailing or other similar Postal Service form from which the date of deposit can be verified shall be cancelled by the Postal Service and shall show the docket number of the matter in the government unit, and shall be either enclosed with the petition or separately mailed to the State Judge Advocate.