

Rule 1311.1 Procedure on Appeal. Admission of Documentary Evidence

(a) The plaintiff may stipulate to ~~[\$15,000.00]~~ \$25,000.00 as the maximum amount of damages recoverable upon the trial of an appeal from the award of arbitrators. The stipulation shall be filed and served upon every other party at least thirty days from the date the appeal is first listed for trial.

(e) The stipulation required by subdivision (a) shall be substantially in the following form:

(CAPTION)

Stipulation to Limitation of Monetary Recovery

Pursuant to Rule 1311.1

To: _____:
(Name of Party/Parties)

_____, plaintiff, stipulates to ~~[\$15,000.00]~~ \$25,000.00 as the maximum amount of damages recoverable upon the trial of the appeal from the award of arbitrators in the above captioned action.

(Name of Plaintiff)

(Attorney for Plaintiff)

(Date)

Note: The term "plaintiff" includes a defendant who is the plaintiff in a counterclaim.

A plaintiff may include in a single document the stipulation and the notice of intent to offer documents.

(f) ***

Explanatory Comment

Rule 1311.1 governing the admission of documentary evidence upon the trial de novo of an appeal from the award of arbitrators in compulsory arbitration became effective September 1, 2003. The rule as originally promulgated applied to appeals in which the plaintiff stipulated to \$15,000.00 as the maximum amount of recoverable damages in the appeal. In light of the favorable reception to the rule, the maximum amount of recoverable damages has been increased to \$25,000.00.

By the Civil Procedural
Rules Committee

R. Stanton Wettick, Jr.
Chair