

# At A Glance

*Trial Division—Civil  
Administration  
2005-2006 Edition*



*First Judicial District of  
Pennsylvania*

*Philadelphia County  
Court of Common Pleas*

---

## C O N T E N T S

---

INTRODUCTION & ACKNOWLEDGMENTS

TRIAL DIVISION–CIVIL DIRECTORY

PROTHONOTARY DIRECTORY

FEES OF THE PROTHONOTARY

Section 1: *Commerce Program*

Section 2: *Day Forward/Major Jury Program*

Section 3: *Dispute Resolution Center*

Section 4: *Complex Litigation Center*

Section 5: *Arbitration Appeal Program*

Section 6: *Compulsory Arbitration Program*

Section 7: *Office of Civil Administration/Civil Motions Program*

Section 8: *Discovery Court Program*

Section 9: *Motions for Approval and Distribution of Minors' Compromise and Wrongful Death  
and Survival Actions*

Section 10: *High Technology Courtroom–625 City Hall*

Section 11: *Schedule of Judicial Assignments for 2005*

Section 12: *Emergency Judge Assignment*

Section 13: *Court Reporting Services*

Section 14: *First Judicial District Website Information*

## ***Introduction***

*The 2005-2006 Edition of the Civil Administration At-A-Glance Manual is a comprehensive overview of the numerous programs and initiatives within the Court of Common Pleas Civil Trial Division. The manual continues to be a valuable source of information to both the public and the Bar.*

*This manual highlights programs such as Day Forward/Major Jury, Mass Torts/Complex Litigation, Commerce, and Compulsory Arbitration, which all have received regional and national recognition. In addition, the Civil Motions Program and Discovery Court Programs have been expanded to include more extensive information, current rules, and forms.*

*The Trial Division-Civil continues its quest to assure the administration of justice in Philadelphia in an efficient and economical manner by providing the highest standard of equality, fairness and integrity to the public.*

*To achieve the most effective and efficient civil court operation, improve the administration of justice, and better serve the public who use the civil courts, in January 2004, Administrative Judge James J. Fitzgerald, III and Supervising Judge William J. Manfredi, engaged the National Center for State Courts - the leading world-wide authority in court management and administration in Williamsburg, Virginia – to conduct a study on the Civil Section of the Court.*

*The Final Report issued by the National Center for State Courts (NCSC) in September 2004, recognized the Trial Division – Civil as “arguably the best-managed large urban civil trial court operation in the nation.” The NCSC found that the Court “clearly has powerful reasons to be proud of how it has been able to reduce its civil backlog and has managed to stay current with its inventory of pending cases.” It also recognized that the Trial Division – Civil has all the elements of what is necessary for ongoing success in caseflow management – including strong and responsible leadership over time, time standards and other relevant goals, use of information for regular measurement of actual performance against those standards and goals, and a strong commitment of judges and court staff to continuing effectiveness in caseflow management. The NCSC also concluded that the Trial Division – Civil’s performance with civil jury cases is now better than that of any large urban trial court in the United States.*

*This manual illustrates the remarkable accomplishments achieved by our Judiciary in the area of Civil Case Management. It is our continued commitment to provide the public with programs and initiatives that will allow us to remain responsive to the needs of all our citizens in a fair and timely manner.*

*James J. Fitzgerald, III  
Administrative Judge, Trial Division  
Court of Common Pleas of Philadelphia County*

*July 18, 2005*

## ***Acknowledgments***

*Administration extends its sincere appreciation to the entire staff of the Trial Division–Civil. A very special thanks is extended to Deborah Dailey, Manager of the Office of Civil Administration, for her invaluable editorial, formatting, and proofreading assistance. We are extremely grateful for the dedication, hard work, and support of everyone who contributed to this publication, for without which this would not have been possible.*

*Frederica A. Massiah-Jackson, President Judge  
Court of Common Pleas*

*James J. Fitzgerald, III, Administrative Judge  
Trial Division*

*William J. Manfredi, Supervising Judge  
Trial Division–Civil*

*Joseph A. Cairone, Court Administrator  
First Judicial District of Pennsylvania*

*David C. Lawrence, Chief Deputy Court Administrator  
First Judicial District of Pennsylvania*

*Charles A. Mapp, Sr., Deputy Court Administrator  
Trial Division—Civil*

**Trial Division–Civil**

**Directory**

**First Judicial District of Pennsylvania  
Court of Common Pleas of Philadelphia  
Trial Division–Civil**

**DIRECTORY**

---

**ADMINISTRATION**

686-7049	<i>Fax Line</i>	
686-2602	<b>Hon. James J. Fitzgerald, Administrative Judge</b>	<b>Rm. 516, City Hall</b>
686-2602	<i>Teresa McNeal, Executive Secretary</i>	<i>Rm. 516, City Hall</i>
686-2602	<i>Carol Palange, Judicial Secretary</i>	<i>Rm. 516, City Hall</i>
686-2602	<i>Andrew Jackson, Esq., Law Clerk</i>	<i>Rm. 516, City Hall</i>
686-7376	<i>Fax Line</i>	
686-4216	<b>Hon. William J. Manfredi, Supervising Judge</b>	<b>Rm. 510, City Hall</b>
686-4216	<i>Kathryn Gallagher, Judicial Secretary</i>	<i>Rm. 510, City Hall</i>
686-4216	<i>Alan Yatvin, Esq., Law Clerk</i>	<i>Rm. 510, City Hall</i>
686-4216	<i>Joseph Iannaccone, Tipstaff</i>	<i>Rm. 510, City Hall</i>
686-7941	<i>Fax Line</i>	
686-5125	<b>Charles A. Mapp, Sr., Deputy Court Administrator</b>	<b>Rm. 297, City Hall</b>
686-5125	<i>Brown, Karen Godwin, Administrative Secretary</i>	<b>Rm. 297, City Hall</b>
<b>E-mail:</b>	<b><a href="mailto:charles.mapp@courts.phila.gov">charles.mapp@courts.phila.gov</a></b>	

---

**CIVIL OPERATIONS**

**CIVIL MOTIONS PROGRAM**

<i>Administrative Offices</i>	<b>Rm. 296, City Hall</b>
<i>Motions Filing Clerk</i>	<b>Rm. 296, City Hall</b>
<i>Motions Court</i>	<b>Courtroom 426, City Hall</b>

686-8397	<i>Fax Line</i>	
<b>686-7401</b>	<b>Deborah E. Dailey, Manager</b>	<b>Rm. 296, City Hall</b>
<b>E-Mail:</b>	<b><a href="mailto:debbie.dailey@courts.phila.gov">debbie.dailey@courts.phila.gov</a></b>	
686-4245	<i>Daniel Bupp, Courtroom Technologist/Audio Visual Services</i>	
686-4253	<i>Marcia Garfield, Clerk Typist</i>	
686-3730	<i>Anna Maria Gibson, Clerk Typist</i>	
686-2531	<i>Melissa Graham, Legal Clerk</i>	
686-4254	<i>Eugene Haurin, Legal Clerk</i>	
686-4254	<i>Jerome Kelleher, Legal Clerk</i>	
686-4305	<i>Claire Kelly, Court Administrative Officer</i>	
686-4305	<i>Barbara Koch, Clerk Typist</i>	

**First Judicial District of Pennsylvania  
Court of Common Pleas of Philadelphia  
Trial Division–Civil**

**DIRECTORY**

---

686-3730     *Aaron Palmer, Clerical Assistant*  
686-4252     *Rachel Postell, Legal Clerk*  
686-4253     *Hakim C. Robinson, Clerk Typist*  
686-4245     *Nora Sweeney, Clerk Typist*  
686-7401     *Evelyn Thompson, Legal Clerk*

**MOTIONS PROGRAM JUDGE**

696-7375     *Fax Line*  
686-7510     ***Hon. Gary S. Glazer, Motions Judge***     ***Courtroom 426, City Hall***  
686-7510     *Dawn Johnson, Judicial Secretary*     *Rm. 544, City Hall*  
686-7510     *Lisa Swan, Esq., Law Clerk*     *Rm. 544, City Hall*  
686-7510     *Glenn Martin, Tipstaff*     *Rm. 544, City Hall*

686-2622     *Fax Line*  
686-7926     ***Hon. Joseph A. Dych***     ***Courtroom 426, City Hall***  
686-7926     *Angela Padulese, Judicial Secretary*     *229A, City Hall*  
686-7926     *Bradley Shuttleworth, Esq., Law Clerk*     *229A, City Hall*  
686-7926     *Tony Mooney, Tipstaff*     *229A, City Hall*

**MOTIONS PROGRAM LAW CLERKS**

683-7398     *Ellen Bloom Glass, Esq.*  
683-7399     *Francine Donato, Esq.*  
683-7398     *Joshua Horvitz, Esq.*

***Rm. 143, City Hall***

**ARBITRATION CENTER**

686-9594     *Fax Line*  
**686-9593     *Joseph L. Hassett, Esq., Manager***  
***E-mail: [joseph.hassett@courts.phila.gov](mailto:joseph.hassett@courts.phila.gov)***  
686-9590     *Information*  
686-9598     *Lewis Hoye, Assistant Manager*  
686-9591     *Juanita Cooper-Robinson, Fiscal Technician*  
686-9592     *Joseph Ferraro, Court Administrative Officer*  
686-9599     *Carla Martucci, Court Administrative Officer*  
686-9597     *Sharon Pressley, Legal Clerk*

***1880 JFK Blvd., 5<sup>th</sup> Floor***

**First Judicial District of Pennsylvania  
Court of Common Pleas of Philadelphia  
Trial Division–Civil**

**DIRECTORY**

---

**COMPLEX LITIGATION CENTER**

**686-9540**     *Hon. Norman Ackerman, Coordinating Judge*  
686-9540     *Theresa Olonovich, Judicial Secretary*  
686-9540     *Ronald Ziegler, Esq., Law Clerk*  
686-9540     *Edith Raila, Tipstaff*

*Rm. 622, City Hall  
Courtroom 696 City Hall  
Rm. 290, City Hall  
Rm. 290, City Hall  
Rm. 290, City Hall*

686-5137     *Fax Line*  
**686-5100**     *Mary McGovern, Director*  
*E-mail: [mary.mcgovern@courts.phila.gov](mailto:mary.mcgovern@courts.phila.gov)*  
686-5100     *Howard Chambers, Esq., Court Admin. Officer*  
686-5100     *Donna Candelora, Esq., Court Admin. Officer*  
686-5100     *Marlene Dorsey, Tipstaff*  
686-5100     *Norma Erickson, Legal Clerk*  
686-5100     *Lillian Ryant-Davis, Administrative Secretary*  
686-5100     *Jennifer Stewart, Court Admin. Officer*

*Rm. 622 City Hall*

**DISCOVERY PROGRAM**

686-3777     *Fax Line*  
**686-3747**     *Dennis Brennan, Manager*  
*E-mail: [dennis.brennan@courts.phila.gov](mailto:dennis.brennan@courts.phila.gov)*  
686-4246     *Georgette Baxter, Clerk Typist*  
686-4246     *Colleen Dougherty, Clerk Typist*  
686-4247     *Dianne Williams, Legal Clerk*

*Rm. 287, City Hall*

**DISPUTE RESOLUTION CENTER**

686-7915     *Fax Line*  
**686-7914**     *Frank Checkovage, Manager*  
*E-mail: [frank.checkovage@courts.phila.gov](mailto:frank.checkovage@courts.phila.gov)*  
686-7974     *Deborah Capuano, Legal Clerk*

*Rm. 691, City Hall*

**CASE MANAGEMENT CONFERENCE CENTER**

686-3709     *Fax Line*  
**686-3767**     *Stanley Thompson, Esq., Supervising Civil Case Manager*  
686-3710     *Lokia Owens, Receptionist*  
686-3779     *Charles Pelletreau, Esq., Civil Case Manager*  
686-3796     *Paul D. Salter, Esq., Civil Case Manager*

*Rm. 613, City Hall*

**DAY FORWARD/MAJOR JURY PROGRAMS**

**First Judicial District of Pennsylvania  
Court of Common Pleas of Philadelphia  
Trial Division–Civil**

**DIRECTORY**

---

**Day Forward 2005**

686-7915      *Fax Line*

**686-7038      *Hon. Jacqueline F. Allen, Team Leader***      *Courtroom 480, City Hall*

686-3774      *Joseph DiRosa, Liaison*      *Rm. 535, City Hall*

**Day Forward 2004**

683-7085      *Fax Line*

**686-7335      *Hon. Arnold L. New, Team Leader***      *Courtroom 602, City Hall*

686-3718      *Mary Doyle, Liaison*      *Rm. 231, City Hall*

**Day Forward 2003, 2001 and Back**

686-2607      *Fax Line*

**686-7910      *Hon. Sandra Mazer Moss, Team Leader***      *Courtroom 653, City Hall*

686-2606      *Felicia Brown-Clark, Liaison*      *Rm. 535, City Hall*

**Day Forward 2002**

686-7482      *Fax Line*

**686-7324      *Hon. Allan L. Tereshko, Team Leader***      *Courtroom 243, City Hall*

686-9530      *Linda Kelly, Liaison*      *Rm. 699, City Hall*

**COMMERCE PROGRAM**

686-3717      *Fax Line*

**686-7934      *Hon. Albert W. Sheppard, Jr., Team Leader***      *Courtroom 513, City Hall*

**686-7363      *Hon. Howland W. Abramson***      *Courtroom 443, City Hall*

**683-7038      *Hon. C. Darnell Jones, II***      *Courtroom 676, City Hall*

686-3704      *Catherine Hart, Program Administrator*      *Rm. 521, City Hall*

686-7935      *Bonnie Venturo, Secretary, Program Leader*      *Rm. 529, City Hall*

686-4917      *Matthew Freund, Esq., Law Clerk*      *Rm. 521, City Hall*

686-7935      *Elizabeth Wolf Cippon, Esq., Law Clerk*      *Rm. 529, City Hall*

686-4916      *Susan Packer, Esq., Law Clerk*      *Rm. 521, City Hall*

686-8396      *Jamie Perrapato, Esq., Law Clerk*      *Rm. 521, City Hall*

686-3773      *Josephine Patti, Esq., Law Clerk*      *Rm. 521, City Hall*

**QUALITY ASSURANCE UNIT**

686-6674      *Norma Monte, Court Administrative Officer*      *Rm. 531 City Hall*

686-6650      *Nicholas Palmer, Court Administrative Officer*      *Rm. 531 City Hall*

**Prothonotary  
Telephone  
Directory**

<b>PROTHONOTARY DIRECTORY</b>		
<b>Telephone Number</b>	<b>Contact Person</b>	<b>Location</b>
215-567-7380	Fax Line	Administration, 286 City Hall
215-686-6670	Prothonotary General Info.	
<b>215-686-6652</b>	<b>Joseph Evers</b>	<b>Prothonotary</b>
215-686-8326	Stanley Chmielewski	Deputy Prothonotary
215-686-6651	Bonnie O’Kane	Deputy Prothonotary
215-686-6667	Mary Badame	2 <sup>nd</sup> Filing, 278 City Hall
215-686-6667	Thomas Barbieri	2 <sup>nd</sup> Filing, 278 City Hall
215-686-7008	Gregory Barbuto	Record Room, 268 City Hall
215-686-7008	Kara Behlau	Record Room, 268 City Hall
215-686-8863	Harriet Broussard	1 <sup>st</sup> Filing, 280 City Hall
215-686-6658	Ronald Brunner	Finance, 282 City Hall
215-686-6662	Theodore Bryant	Appeals, 269 City Hall
215-686-6667	Donna Busillo	2 <sup>nd</sup> Filing, 278 City Hall
215-686-8864	Michelle Carter	Passports, 271 City Hall
215-686-6654	Barbara Cermele	Administration, 286 City Hall
215-686-6656	Christine Chanel	Docket Info., 262 City Hall
215-686-6669	James Cimorelli	Old Records Room, 975 City Hall
215-686-6661	Lori Coney	Records Room, 268 City Hall
215-686-8863	Jacquelyn Courtney	1 <sup>st</sup> Filing, 280 City Hall
215-686-2526	Reinol Diaz	City Hall Information Center, 143 City Hall
215-686-6658	Catherine Ebling	Finance, 282 City Hall
215-686-6669	Michael Floyd	Old Records Room, 975 City Hall

<b>PROTHONOTARY DIRECTORY</b>		
<b>Telephone Number</b>	<b>Contact Person</b>	<b>Location</b>
215-686-6667	Patricia Franklin	2 <sup>nd</sup> Filing, 278 City Hall
215-686-8863	Stephanie Garrett	1 <sup>st</sup> Filing, 280 City Hall
215-686-6657	Lucille Goodman	Finance, 282 City Hall
215-686-6667	Dallis Graham	2 <sup>nd</sup> Filing, 278 City Hall
215-686-6661	Albert Hall, Supervisor	Record Room, 268 City Hall
215-686-6661	Reginald Harris	Record Room, 268 City Hall
215-686-6658	Joan Jackson	Finance, 282 City Hall
215-686-6667	Henry Kane	2 <sup>nd</sup> Filing, 278 City Hall
215-686-6669	Louise Lanzilotti	Old Records Room, 975 City Hall
215-686-8863	Michelle Lawler	1 <sup>st</sup> Filing, 280 City Hall
215-686-6658	Carol Lento	Finance, 282 City Hall
215-686-8863	Jeanette Lomax	1 <sup>st</sup> Filing, 280 City Hall
215-686-6662	Joseph Mangini	Appeals, 269 City Hall
215-686-6667	Michael Mattia	2 <sup>nd</sup> Filing, 278 City Hall
215-686-8859	Sean McDermott	Docket Information, 262 City Hall
215-686-8863	Norma McNeil	1 <sup>st</sup> Filing, 280 City Hall
215-686-6667	Elizabeth Husten	2 <sup>nd</sup> Filing, 278 City Hall
215-686-2526	Marleasa Newsome	Information Center, 127 City Hall
215-686-6650	Nicholas Palmer	Quality Assurance, 521 City Hall
215-686-8863	Laura Paone	1 <sup>st</sup> Filing, 280 City Hall
215-686-6667	Michael Perri	2 <sup>nd</sup> Filing, 278 City Hall
215-686-6662	Bette Pleasant	Appeals, 269 City Hall
215-686-6661	Charmaine Purnell	Records Room, 268 City Hall

<b>PROTHONOTARY DIRECTORY</b>		
<b>Telephone Number</b>	<b>Contact Person</b>	<b>Location</b>
215-686-8863	Deborah Savage	1 <sup>st</sup> Filing, 280 City Hall
215-686-8863	John Shellenberger	1 <sup>st</sup> Filing, 280 City Hall
215-686-8863	Marvella Simmons, Supervisor	1 <sup>st</sup> Filing, 280 City Hall
215-686-6662	Carole Singlar	Appeals, 269 City Hall
215-686-6672	Charles Sofia, Supervisor	Record Room, 975 City Hall
215-686-6672	John Speese	Record Room, 975 City Hall
215-686-6662	Crystal Stroman	Appeals, 269 City Hall
215-686-6652	Kristin Wojnar	Administration, 286 City Hall
215-686-2526	Boyd Taggart, Supervisor	City Hall Information Center, 127 City Hall
215-686-6655	Theresa Taylor, Supervisor	Appeals, 269 City Hall
215-686-8863	Michael Tierney	1 <sup>st</sup> Filing, 280 City Hall
215-686-6656	Philip Valone, Supervisor	Public Info., 262 City Hall
215-686-6654	Desiree Vincent	Administration, 286 City Hall
215-686-6667	David Vogler	2 <sup>nd</sup> Filing, 278 City Hall
215-686-7008	Jason Waterman	Record Room, 268 City Hall
215-686-6645	Robert Weiss, Supervisor	2 <sup>nd</sup> Filing, 278 City Hall
215-686-7008	James White	Records Room, 268 City Hall
215-686-6657	Marie Wodack, Supervisor	Finance, 282 City Hall
215-686-6667	Steven Wulko	2 <sup>nd</sup> Filing, 278 City Hall
215-686-7008	Shaihie Wynder	Record Room, 268 City Hall

**Fees of  
the  
Prothonotary**

# FIRST JUDICIAL DISTRICT OF PENNSYLVANIA

## 2004 Prothonotary Fee Schedule

The following Schedule itemizes the fees the Prothonotary is required to collect pursuant to the Prothonotary's Fee Bill, 42 Pa. C.S. §1725©, the Municipal Court Fee Bill, 42 Pa. C.S. §21010, and related legislation, including Act 122 of 2002, effective November 1, 2002:

### COURT OF COMMON PLEAS

#### A. COMMENCEMENT OF ACTION

<b>1) <u>Arbitration, Non-Jury &amp; Petition Actions</u></b>		<b><u>\$208.50*</u></b>
(a) Base Fee	42 Pa C.S. § 1725(c)(2)(iii)	160.00
(b) Computer Service Charge	42 Pa.C.S. § 1725(c)(2)(iv)	5.00
(c) Judicial Education	42 Pa.C.S. § 1725(c)(2)(x)	1.00
(d) Judicial Computer Project Access to Justice (J.C.P./A.T.C.)	42 Pa.C.S. § 3733 (A.1)	10.00
(e) State Tax	72 P.S. § 3172	.50
(f) Law Library	See 42 Pa. C.S. § 1725	32.00

**\*Note: Pursuant to 71 P.S. § 2108(b.1) the Prothonotary must collect \$11.00 per each defendant named in the initial pleading.**

<b>2) <u>Jury Demand</u></b>		<b><u>\$388.50*</u></b>
(a) Base Fee	42 Pa,C,S, § 1725(c)(2)(iii)	160.00
(b) Jury Demand Fee	42 Pa.C.S. § 1725(c)(2)(xvi)	150.00
(c) Computer Service Charge	42 Pa.C.S. § 1725(c)(2)(iv)	5.00
(d) Judicial Education	42 Pa.C.S. § 1725(c)(2)(x)	1.00
(e) J.C.P./A.T.C.	42 Pa.C.S. § 3733 (A.1)	10.00
(f) State Tax	72 P.S. § 3172	.50
(g) Law Library	See 42 Pa. C.S. § 1725	62.00

**\*Note: Pursuant to 71 P.S. § 2108(b.1) the Prothonotary must collect \$11.00 per each defendant named in the initial pleading.**

<b>3) <u>Appeals to Court of Common Pleas</u></b>		<b><u>\$94.00</u></b>
(a) Base Fee	42 Pa,C,S, § 1725(c)(2)(i)	65.00
(b) Computer Service Charge	42 Pa.C.S. § 1725(c)(2)(iv)	5.00
(c) Law Library	See 42 Pa. C.S. § 1725	13.00
(d) J.C.P./A.T.C.	42 Pa.C.S. § 3733 (A.1)	10.00
(e) Judicial Education	42 Pa.C.S. § 1725(c)(2)(x)	1.00

**4) Judgment by Confession/Judgment From Other Jurisdiction \$ 76.50**

(a) Base Fee	42 Pa,C,S, § 1725(c)(2)(xi)	50.00
(b) State Tax	72 P.S. § 3172	.50
(c) Computer Service Charge	42 Pa.C.S. § 1725(c)(2)(iv)	5.00
(d) J.C.P./A.T.C.	42 Pa.C.S. § 3733 (A.1)	10.00
(e) Judicial Education	42 Pa.C.S. § 1725(c)(2)(x)	1.00
(f) Law Library	See 42 Pa. C.S. § 1725	10.00

**5) Name Change Petition – Adult \$208.50**

(a) Base Fee	42 Pa,C,S, § 1725(c)(2)(iii)	160.00
(b) Computer Service Charge	42 Pa.C.S. § 1725(c)(2)(iv)	5.00
(c) Judicial Education	42 Pa.C.S. § 1725(c)(2)(x)	1.00
(d) J.C.P./A.T.C.	42 Pa.C.S. § 3733 (A.1)	10.00
(e) State Tax	72 P.S. § 3172	.50
(f) Law Library	See 42 Pa. C.S. § 1725	32.00

**B. SUBSEQUENT PLEADINGS**

**1) Defendant First Filing \$102.00**

(a) Base Fee	42 Pa,C,S, § 1725(c)(2)(vi)	80.00
(b) Computer Service Charge	42 Pa.C.S. § 1725(c)(2)(iv)	5.00
(c) Judicial Education	42 Pa.C.S. § 1725(c)(2)(x)	1.00
(d) Law Library	See 42 Pa. C.S. § 1725	16.00

**2) Jury Demand (If not paid previously) \$180.00**

(a) Base Fee	42 Pa,C,S. § 1725(c)(2)(xvi)	150.00
(b) Law Library	See 42 Pa. C.S. § 1725	30.00

**3) Defendant First Filing, with Jury Demand \$282.00**

(If not paid previously)

(a) Base Fee	42 Pa,C,S. § 1725(c)(2)(vi)	80.00
(b) Computer Service Charge	42 Pa.C.S. § 1725(c)(2)(iv)	5.00
(c) Judicial Education	42 Pa.C.S. § 1725(c)(2)(x)	1.00
(d) Jury Demand Fee	42 Pa.C.S. § 1725(c)(2)(xvi)	150.00
(e) Law Library	See 42 Pa. C.S. § 1725	46.00

**4) Petitions / Motions (Excluding “Petition Actions”) \$ 30.00**

(a) Base Fee	42 Pa.C.S. § 1725(c)(2)(xiii)	25.00
(b) Law Library	See 42 Pa. C.S. § 1725	5.00

**5) Certification or Certificate, Court of Common Pleas \$ 30.00\*\***

(a) Base Fee	42 Pa,C,S, § 1725(c)(2)(ii)	25.00
(b) Law Library	See 42 Pa. C.S. § 1725	5.00

<b>6) Exemplification</b>		<b><u>\$60.00**</u></b>
(a) Base Fee	42 Pa.C.S. § 1725(c)(2)(ii)	50.00
(b) Law Library	See 42 Pa. C.S. § 1725	10.00

**\*\*Please note: pursuant to 42 Pa. C.S. § 1725(c)(2)(ii) the Prothonotary must collect \$3.60 per EACH ADDITIONAL PAGE.**

<b>7) Subpoena</b>		<b><u>\$48.00***</u></b>
(a) Base Fee	42 Pa,C,S. § 1725(c)(2)(xv)	40.00
	In Response to subpoena based on four hour service or fraction thereof.	
(b) Law Library	See 42 Pa. C.S. § 1725	8.00

**\*\*\*Please Note: pursuant to 42 Pa.C.S. § 1725(c)(2)(xv) the Prothonotary must collect \$10.00 per hour beyond four hour service or fraction thereof.**

<b>8) Mechanics / Waiver of Lien</b>		<b><u>\$24.00</u></b>
	(Excluding Commencement of Action with complaint)	
(a) Base Fee	42 Pa.C.S. § 1725(c)(2)(xii)	20.00
(b) Law Library	See 42 Pa. C.S. § 1725	4.00

**9) Name Search \$35.00**

**10) Non Party Docket Report 42 Pa,C,S. § 1725(c)(2)(iv) \$5.00**

<b>11) Appeal from Arbitration (without Jury Demand)</b>		<b><u>\$278.00</u></b>
(a) Base Fee	42 Pa.C.S. § 1725(c)(2)(i)	65.00
(b) Law Library	See 42 Pa. C.S. § 1725	13.00
(c) Arbitrator's Compensation	42 Pa.C.S. § 1725(c)(2)(i); Pa.R.C.P. No. 1308: Judicial Code 3344 (a)(i)	200.00

<b>12) Appeal from Arbitration (with Jury Demand)</b>		<b><u>\$458.00</u></b>
	(if jury fee not previously paid)	
(a) Base Fee	42 Pa.C.S. § 1725(c)(2)(i)	65.00
(b) Jury Demand	42 Pa.C.S. § 1725(c)(2)(xvi)	150.00
(c) Law Library	See 42 Pa. C.S. § 1725	43.00
(d) Arbitrator's Compensation	42 Pa.C.S. § 1725(c)(2)(i); Pa.R.C.P. No. 1308: Judicial Code 3344 (a)(i)	200.00

<b>13) Appeal to Supreme, Superior or Commonwealth Court</b>		<b><u>\$180.00</u></b>
(a) Base Fee	42 Pa.C.S. § 1725(c)(2)(i)	150.00
(b) Law Library	See 42 Pa. C.S. § 1725	30.00

## FAMILY COURT FILINGS+

### A. DIVORCE+

<b>1) Commencement of Action</b>		<b><u>\$219.00</u></b>
(a) Base Fee	42 Pa.C.S. § 1725(c)(2)(iii)	160.00
(b) State Tax	72 P.S. § 3172	.50
(c) Computer Service Charge	42 Pa.C.S. § 1725(c)(2)(iv)	5.00
(d) J.C.P./A.T.C.	42 Pa.C.S. § 3733 (A.1)	10.00
(e) Judicial Education	42 Pa,C,S. § 1725(c)(2)(x)	1.00
(f) Law Library	See 42 Pa. C.S. § 1725	32.00
(g) Children’s Trust Fund	11 P.S. § 2238	10.00
(h) Vital Statistics Law	35 P.S. 450.602	.50
<b>2) Defendant First Filing</b>		<b><u>\$102.00</u></b>
(a) Base Fee	42 Pa. C.S.§ 1725(c)(2)(vi)	80.00
(b) Computer Service Charge	42 Pa.C.S. § 1725(c)(2)(iv)	5.00
(c) Judicial Education	42 Pa.C.S. § 1725(c)(2)(x)	1.00
(d) Law Library	See 42 Pa. C.S. § 1725	16.00
<b>3) Jury Demand (If not paid at time of commencement)</b>		<b><u>\$180.00</u></b>
(a) Base Fee	42 Pa.C.S. § 1725(c)(2)(vii)	150.00
(b) Law Library	See 42 Pa. C.S. § 1725	30.00
<b>4) Praecipe to Transmit</b>		<b><u>\$48.00</u></b>
(a) Base Fee	42 Pa.,,.,§ 1725(c)(2)(vi)	40.00
(b) Law Library	See 42 Pa. C.S. § 1725	8.00
<b>5) Motion for Appointment of Permanent Master</b>		<b><u>\$330.00</u></b>
(a) Base Fee	42 Pa.C.S. § 1725(c)(2)(vii)	300.00
(b) Motion/Petition	42 Pa.C.S. § 1725(c)(2)(iii)	25.00
(c) Law Library	See 42 Pa. C.S. § 1725	5.00
<b>6) Name Change Petition – Minor (Petition to Amend Birth Certificate)</b>		<b><u>\$208.50</u></b>
(a) Base Fee	42 Pa.C.S. § 1725(c)(2)(iii)	160.00
(b) Computer Service Charge	42 Pa.C.S. § 1725(c)(2)(iv)	5.00
(c) Judicial Education	42 Pa.C.S. § 1725(c)(2)(x)	1.00
(d) J.C.P./A.T.C.	42 Pa.C.S. § 3733 (A.1)	10.00
(e) State Tax	72 P.S. § 3172	.50
(f) Law Library	See 42 Pa. C.S. § 1725	32.00
(g) Vital Statistics Law	35 P.S. 450.602	.50

<b>B.</b>	<b><u>CUSTODY+</u></b>		
	<b>1) Petition for Custody, Partial Custody, or Visitation</b>		<b><u>\$ 57.00</u></b>
	(a) Base Fee	42 Pa.C.S. § 1725(c)(2)(v)	30.00
	(b) J.C.P./A.T.C.	42 Pa.C.S. § 3733 (A.1)	10.00
	(c) Law Library	See 42 Pa. C.S. § 1725	6.00
	(d) Computer Service Charge	42 Pa.C.S. § 1725(c)(2)(iv)	5.00
	(e) Judicial Education	42 Pa.C.S. § 1725(c)(2)(x)	1.00
	(f) Establishment of a Criminal Charge Information System	42 Pa.C.S. § 1725.1(a.1)	5.00
	<b>2) Respondent's First Filing</b>		<b><u>\$ 24.00</u></b>
	(a) Base Fee	42 Pa.C.S. § 1725(c)(2)(v)	15.00
	(b) Computer Service Charge	42 Pa.C.S. § 1725(c)(2)(iv)	5.00
	(c) Judicial Education	42 Pa.C.S. § 1725(c)(2)(x)	1.00
	(d) Law Library	See 42 Pa. C.S. § 1725	3.00
	<b>3) Custody Certification</b>		<b><u>\$ 30.00</u></b>
	(a) Base Fee	42 Pa.C.S. § 1725(c)(2)(ii)	25.00
	(b) Law Library	See 42 Pa. C.S. § 1725	5.00
	<b>4) Home Investigation – Family Court Administrative Reg.91-2</b>		<b><u>\$200.00</u></b>
	<b>5) Psychological Evaluation-Family Court Administrative Reg.91-2</b>		<b><u>\$200.00</u></b>
<b>C.</b>	<b><u>SUPPORT+</u></b>		
	<b>1) Initiation of Support Proceedings (Complaint/Petition)</b>		<b><u>\$ 10.00</u></b>
	(a) J.C.P./A.T.C.	42 Pa.C.S. § 3733 (A.1)	
	Administrative Regulation #90-2		
	<b>2) Lien/Judgment Search or Certification</b>		<b><u>\$ 20.00</u></b>
	Family Court Administrative Regulations #99-10 & #99-11		
<b>D.</b>	<b><u>ADOPTION+</u></b>		
	<b>1) Petition of Adoption</b>		<b><u>\$221.00</u></b>
	(a) Base Fee	42 Pa.C.S. § 1725(c)(2)(iii)	160.00
	(b) State Tax	72 P.S. § 3172	.50
	(c) Computer Service Charge	42 Pa.C.S. § 1725(c)(2)(iv)	5.00
	(d) J.C.P./A.T.C.	42 Pa.C.S. § 3733 (A.1)	10.00
	(e) Judicial Education	42 Pa.C.S. § 1725(c)(2)(x)	1.00
	(f) Law Library	See 42 Pa. C.S. § 1725	34.00
	(g) Investigation Fee	23 Pa. C.S. § 2535(C)	10.00
	(h) Vital Statistics Law	35 P.S. 450.602	0.50

<b>2) Registration of Foreign Birth &amp; Gestational Carrier Petition</b>		<b><u>\$209.00</u></b>
(a) Base Fee	42 Pa. C.S. § 1725(c)(2)(iii)	160.00
(b) State Tax	72 P.S. § 3172	.50
(c) Computer Service Charge	42 Pa.C.S. § 1725(c)(2)(iv)	5.00
(d) J.C.P./A.T.C.	42.Pa.C.S. § 3733 (A.1)	10.00
(e) Judicial Education	42 Pa.C.S. § 1725(c)(2)(x)	1.00
(f) Law Library	See 42 Pa. C.S. § 1725	32.00
(g) Vital Statistics Law	35. P.S. 450.602	0.50
<b>3. Report of Intent to Adopt (Adoption with Counseling)</b>		<b><u>\$296.00</u></b>
(a) Base Fee	42 Pa.C.S. § 1725(c)(2)(iii)	160.00
(b) State Tax	72 P.S. § 3172	.50
(c) Computer Service Charge	42 Pa.C.S. § 1725(c)(2)(iv)	5.00
(d) J.C.P./A.T.C.	42.Pa.C.S. § 3733 (A.1)	10.00
(e) Judicial Education	42 Pa.C.S. § 1725(c)(2)(x)	1.00
(f) Law Library	See 42 Pa. C.S. § 1725	34.00
(g) Counseling Fee	23 Pa. C.S. § 2505(E)	75.00
(h) Investigation Fee	23 Pa. C.S. § 2535(C)	10.00
(i) Vital Statistics Law	35. P.S. 450.602	0.50
<b>4. Certificate of Adoption (upon finalization of Adoption)/ Certification of Termination Decrees</b>		<b><u>\$ 30.00</u></b>
(a.) Base Fee	42 Pa.C.S. § 1725(c)(2)(ii)	25.00
(b) Law Library	See 42 Pa. C.S. § 1725	5.00
<b>5) Request for Limited (Non-Identifying) Information</b>		<b><u>\$ 50.00</u></b>
See 23 Pa. C.S. § 2905 and Family Court Administrative Reg.99-9		
<b>6) Request for Identifying Information</b>		<b><u>\$150.00</u></b>
(which will only be disclosed upon consent of natural parents)		
See 23 Pa. C.S. § 2905 and Family Court Administrative Reg.99-9		

**E. PROTECTION FROM ABUSE**

**1) Filing Fees and Service Costs – Payable as set forth in 23 Pa. C.S. § 6106(c)**

**(a) Filing Fee \$208.50**

Base Fee	42 Pa.C.S. § 1725(c)(2)(iii)	160.00
State Tax	72 P.S. § 3172	.50
Computer Service Charge	42 Pa.C.S. § 1725(c)(2)(iv)	5.00
J.C.P./A.T.C.	42.Pa. C.S. § 3733 (A.1)	10.00
Judicial Education	42 Pa.C.S. § 1725(c)(2)(x)	1.00
Law Library	See 42 Pa. C.S. § 1725	32.00

**(b) Service** - as per the Sheriff’s fee bill if served by the Sheriff:  
actual cost (not to exceed the Sheriff’s fee bill) if served  
as authorized by Pa.R.C.P. 1930.4(b)

**2) Surcharge – Payable by Defendants upon Adjudication of Guilt \$ 25.00**  
(after hearing/trial). See 23 Pa.C.S. § 6106 (d).

**3) Contempt Fine (See 23 Pa. C.S. § 6114) \$100 to \$1,000**

May be imposed upon sentencing for Indirect Criminal Contempt

**+ The fees listed under the “Civil Fees” Category may be assessed for certain pleadings filed in the Family Court Division or for services rendered by the Prothonotary or Clerk of Court.**

**MUNICIPAL COURT**

**A, COMMENCEMENTS:**

**Commencement of civil actions (with one defendant out of Philadelphia) \$ 21.00\***

**Requested Relief, from \$0 to \$500**

(a) Court Costs	6.00
(b) J.C.S. Fee	10.00
(c) Automation Fee	5.00

**Requested Relief, from \$500.01 to \$2,000 \$ 27.00\***

(a) Court Cost	12.00
(b) J.C.S. Fee	10.00
(c) Automation Fee	5.00

**Requested Relief, from \$2,000.01 to \$10,000 \$ 47.00\***

(a) Court Costs	32.00
(b) J.C.S. Fee	10.00
(c) Automation Fee	5.00

**\*+\$ 5.00 for each additional name (except husband and wife)**

**\*+\$40.00 for each service for defendants within Pennsylvania, but outside Philadelphia.**

<b>Commencement of civil actions (with one defendant <u>in</u> Philadelphia)</b>	<b><u>\$48.00*</u></b>
<b>Requested relief from \$0 to \$500</b>	
(a) Court Costs	6.00
(b) J.C.S. Fee	10.00
(c) Automation Fee	5.00
(d) Service Fee	27.00
<b>Requested relief from \$500.01 to \$2,000.00</b>	<b><u>\$54.00*</u></b>
(a) Court Costs	12.00
(b) J.C.S. Fee	10.00
(c) Automation Fee	5.00
(d) Service Fee	27.00
<b>Requested relief from \$2,000.01 to \$10,000</b>	<b><u>\$74.00*</u></b>
(a) Court Cost	32.00
(b) J.C.S. Fee	10.00
(c) Automation Fee	5.00
(d) Service Fee	27.00

\*+\$ 5.00 for each additional name (except husband and wife)

\*+\$27.00 for each additional Philadelphia address.

<b>B. LANDLORD TENANT COMPLAINTS:</b>	<b>\$54.00*</b>
(a) Court Cost	12.00
(b) J.C.S. Fee	10.00
(c) Automation Fee	5.00
(d) Service Fee	27.00

\*+\$ 5.00 for each additional name other than husband and wife.

<b>C. OTHER</b>	
<b>Orders to Satisfy</b>	<b>\$ 5.00</b>
<b>Writ of Possession</b>	<b>\$ 4.00</b>
<b>Petitions</b>	<b>\$12.00*</b>
(a) Court Costs	10.00
(b) Automation Fee	2.00
<b>Relistments</b>	<b>\$12.00*</b>
(a) Court Costs	10.00
(b) Automation Fee	2.00
<b>Co-defendant</b>	<b>\$ 5.00*</b>
<b>Writ of Revival</b>	<b>\$ 6.00*</b>

\*+\$27.00 for Philadelphia Service

\*+\$40.00 for Service Outside of Philadelphia

**Counterclaim, Additional defendant, Cross Claim, Set Off:**

Same as initial Filing Fee.

**JOSEPH H. EVERS  
PROTHONOTARY OF  
PHILADELPHIA COUNTY**

---

**Section 1**

---

# **Commerce Program**

## **COMMERCE PROGRAM OVERVIEW, ASSIGNMENTS & STAFF**

### **I. INTRODUCTION**

Effective January 1, 2000, the First Judicial District of Pennsylvania, Civil Trial Division, established a Commerce Case Management Program (“Commerce Program”). The Commerce Program is an extension of the Day Forward Program, adopting additional features and alternative dispute resolution provisions that have helped to improve management of commercial and business litigation in other jurisdictions. Practitioners are directed to the detailed procedures contained in the Court’s Order dated April 29, 2003 (“Administrative Docket 02 of 2003”). See Exhibit 1. This overview is provided to guide practitioners in becoming familiar with the Commerce Program, and is not intended to cover the detailed requirements of the Program, which should be examined carefully.

The Commerce Program applies only to cases filed after January 1, 2000 (except for a handful of Class Actions transferred into the Program). As of January 2003, three judges are assigned to the Program: Judge Albert W. Sheppard, Jr., Judge Howland W. Abramson, and Judge C. Darnell Jones, II. All actions designated in the Commerce Program will be assigned to the individual calendars of one of these judges.

### **II. CASES SUBJECT TO COMMERCE PROGRAM AND FILING PROCEDURE**

Practitioners should review the detailed list of “Cases Subject to Commerce Program” at paragraph B.1 of Administrative Docket 02 of 2003 (Exhibit 1), as well as the examples of cases that are not included in the Program at paragraph B.2. Effective January 1, 2000, the new Civil Cover Sheet requires the attorney signing the sheet to certify that the action is, or is not, within the Commerce Program and is not subject to arbitration. A new “Commerce Program Addendum to Civil Cover Sheet” (See Exhibit A) must also be filed with all initial filings, denoting the applicable type or types of action which result in the matter being assigned to the Commerce Program. Copies of both the Civil Cover Sheet and the Commerce Program Addendum must be served with the original process on all parties. Disputes as to inclusion or exclusion of cases with respect to the Commerce Program should be raised by filing a Notice of Program Management Dispute (see Exhibit B) with the Civil Motions Clerk, Room 296 City Hall. Pursuant to Administrative Docket 02 of 2003, Notices of Management Program Dispute will be subject to the Civil Motions filing fee and will be assigned a Motion Control Number at the time of filing. There is no appeal from a subsequent determination of program assignment.

### **III. COMMERCE PROGRAM OVERVIEW**

A Case Management Conference will be scheduled approximately ninety days after filing. The Civil Case Manager or assigned judge will consider means for early disposition, schedules and deadlines, assignment of a Case Management track, the potential use of a Commerce Judge *Pro Tempore* and other issues relevant to the case. A

suggested form of Commerce Program Case Management Order and chart outlining schedules for various management tracks are at Exhibits C and D, respectively. The parties should confer and attempt to reach agreement concerning all such matters, prior to the Case Management Conference.

The Commerce Program Judge to whom the action is assigned will normally hear all pretrial motions, including discovery motions. All such motions, other than discovery, must be filed in Motions Court, with a designation on the Motion Cover Sheet to the assigned Commerce Program Judge. Oral argument will be at the discretion of the Commerce Program Judge. Discovery matters will be heard on Mondays at 9:00 a.m., by Judge Sheppard, in Courtroom 513, City Hall; on Tuesdays at 9:30 a.m., by Judge Abramson, in Courtroom 443, City Hall, and Judge Jones, in Courtroom 676 City Hall. Procedures of the Discovery Court should generally be followed, and filings processed through Room 287, City Hall. In some instances, the Commerce Program Judge may direct further briefing of complex discovery motions.

Emergency motions and petitions also will be filed with the Civil Motions Program and forwarded to the assigned Commerce Program Judge for disposition. Practitioners should be familiar with, and are governed by, the new procedures set forth in paragraph D.6 of Administrative Docket 02 of 2003.

Settlement conferences are governed by paragraph D.7 of Administrative Docket 02 of 2003. If the parties concur that an expeditious settlement conference will be productive, such a request should be made by letter to the assigned Commerce Program Judge. Pretrial conferences are governed by paragraph D.8 of Administrative Docket 02 of 2003.

<b>Commerce Program Judges</b>		
Hon. Albert W. Sheppard, Jr., Program Leader	529 City Hall	686-7934
Honorable Howland Abramson	485 City Hall	686-7363
Honorable C. Darnell Jones, II	1207 Criminal Justice Center	683-7038

<b>Commerce Discovery Court Schedule</b>			
Judge Sheppard	Monday	9:00 a.m.	Courtroom 513, City Hall
Judge Abramson	Tuesday	9:30 a.m.	Courtroom 443, City Hall
Judge Jones	Tuesday	9:30 a.m.	Courtroom 676, City Hall

<b>Commerce Program Staff</b>		
Catherine Hart, Program Administrator	521 City Hall	686-3704
Bonnie Venturo, Secretary, Program Leader	529 City Hall	686-7935
Matthew Freund, Esq., Law Clerk	521 City Hall	686-4917
Susan Packer, Esq., Law Clerk	521 City Hall	686-4916
Jamie Perrapato, Esq., Law Clerk	521 City Hall	686-8396
Josephine Carabello Patti, Esq., Law Clerk	521 City Hall	686-3773
Elizabeth Wolf Cippon, Esq., Law Clerk	529 City Hall	686-7935

#### **IV. ALTERNATE DISPUTE RESOLUTIONS AND COMMERCE PROGRAM JUDGES *PRO TEMPORE***

Administrative Docket 02 of 2003 establishes an Alternative Dispute Resolution Program for the Commerce Program. The use of mediation is encouraged, and a panel of experienced and highly qualified volunteers has been established to act as Judges *Pro Tempore* for the purpose of conducting settlement conferences and facilitating mediation efforts. A list of Commerce Program Judges *Pro Tempore* is posted on the First Judicial District's website at <http://fjd.phila.gov/common-pleas/trial/civil/commerce-program.html> (at, "List of Judges Pro Tempore").

#### **V. Class Action Management Orders**

The Court has revised the Commerce Program's Class Action Case Management Order Form. The primary changes include the insertion of actual dates as deadlines and the separation of the Form into several independent case management order forms. (Exhibit E, collectively). These revisions have the advantage of taking the matter all the way through to trial, as opposed to the current form, which goes only through dispositive motions and discovery.

A sample chronology in a given case would read as follows:

1. Five weeks after a class action is initiated, a status/case management conference is scheduled before the Commerce Program Leader. At the conference, the judge would distribute a form of case management order regarding only the preliminary objections stage. This form is substantially similar to Part I of the old form, except that it does not provide for oral argument. The parties would be directed to submit agreed upon dates for the order and to note any areas of disagreement. The Court would then issue a preliminary objections stage case management order.
2. Once the Court had reviewed the preliminary objections and heard oral argument,<sup>1</sup> where applicable, it would issue an order. If the order either overruled the objections or sustained certain objections but allowed the plaintiff to proceed, the Court would issue an appropriate order accompanied by the form of case management order for the certification stage of the case. As with the preliminary objections case management order, the parties would be directed to submit agreed upon dates for the order and to note any areas of disagreement, after which the Court would issue an appropriate order.

---

<sup>1</sup> In all but a handful of class actions, contested preliminary objections have come before the Court, and this chronology presumes that the same would be true in our example case. If the defendant filed an answer to the plaintiff's complaint without the Court having considered contested preliminary objections, the parties would be required to contact the Court as to dates for certification, as per the preliminary objections case management order. This would trigger the Court to send the Case Management Order for Class Certification to the parties.

3. The parties would then submit the certification materials as directed by the Court's order, and the Court would conduct a certification hearing. If the Court certified the proposed class, the Court would issue an order accompanied by the form of case management order for the dispositive motions and fact and expert discovery stage of the case.
4. If the parties submit dispositive motions and such motions do not dispose of the entire matter, the Court would issue an order requiring the parties to contact the Court regarding dates for a settlement conference, a pre-trial conference and trial. This would subsequently result in the issuance of a pre-trial order. If no dispositive motions were submitted by the deadline, the parties would contact the Court regarding these final dates, and the Court would ultimately issue a pre-trial order.

## **VI. MOTIONS FOR EXTRAORDINARY RELIEF**

A Motion for Extraordinary Relief is the motion that should be filed whenever a party seeks an extension of a deadline imposed by a case management order. Any party may seek relief from the time requirements by filing the Motion for Extraordinary Relief. The motion must be filed prior to the deadline that the party is seeking to change. Motions for Extraordinary Relief are filed with the Civil Motions Clerk in Room 296, City Hall. Any adverse party has ten (10) days after the filing of the motion to file a response. Civil Administration will assign the motion to the assigned team leader at the expiration of the response date.

The Motion for Extraordinary Relief is ruled on by the individual team leaders. Counsel should include the name of the team leader for that given case (Sheppard, Abramson, or Jones) on the Motion Cover Sheet. If the motion is granted, it could have an impact on all of the deadlines in a particular case. The party filing the motion should therefore, include a proposed order that sets forth the extension requested **in months**, as well as a copy of the current case management order.

Motions for Extraordinary Relief are fact and case track sensitive. Counsels' agreement to extend deadlines within a Case Management Order is not a recognized basis for an extension. And, neither a sudden change in counsel, nor counsel's hectic schedule and other commitments will merit an extension. Counsel who do little work on the case in timely fashion but nevertheless request extensions of Court ordered deadlines are unlikely to receive them. Counsel are expected to demonstrate regular and timely efforts to complete discovery and to make a record of requests and/or motions to compel production of answers to interrogatories, documents, depositions, etc.

Generally speaking, the movant is expected to demonstrate extraordinary and nonforeseeable circumstances justifying the deadline extension request. The following are examples of reasons which may be considered for extension of case management

deadlines. However, counsel are cautioned against assuming that any one or more of the following reasons will be deemed sufficient in an actual case or controversy:

1. Demonstrable delay caused by an opposing party's abuse of the discovery process. (The movant would fill out an attached sheet detailing the history of motions necessitated and delay caused by opposing party's abuse of discovery procedures).
2. Discovery time lost due to a stay of proceedings.
3. Illness or death of a party or material witness directly and significantly affecting an imminent deadline.
4. Short term disability or maternity leave of counsel where no other firm attorney is capable of assuming the representation.
5. Information timely discovered requiring unanticipated further discovery that cannot be completed within existing deadlines.
6. Later joinder of a party where the delay in joining the additional party is satisfactorily explained.

The Philadelphia Court of Common Pleas has embraced the standards set forth in 1986 by the American Bar Association Lawyers' Conference Task Force on Reduction of Litigation Cost and Delay:

“A. General Civil - 90% of all civil cases should be settled, tried or otherwise concluded within twelve months of the date of case filing; 98% within 18 months of such filing; and the remainder within 24 months of such filing, except for individual cases in which the Court determined exceptional circumstances exist and for which a continuing review should occur.”

The Philadelphia Bar Association's State Civil Committee, Plaintiffs' Trial Lawyers Association and the Association of Defense Counsel assisted the Court in the evaluation and adoption of these standards. Strong judicial oversight of the discovery deadline and other significant event dates is viewed as critical to the continued success of the timely resolution of litigation in this Program. With these principles in mind, requests for extensions of Court ordered deadlines should be utilized only as a last resort and with compelling reasons offered in support thereof.

**IN THE COURT COMMON PLEAS**  
**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA**  
**TRIAL DIVISION – CIVIL**  
**ADMINISTRATIVE DOCKET 02 OF 2003**  
**IN RE: COMMERCE CASE MANAGEMENT PROGRAM**

AND NOW, this 29<sup>th</sup> day of April, 2003, it is hereby **ORDERED** and **DECREED** that the following protocols shall apply to all civil cases within the Commerce Case Management Program on or after January 1, 2000:

**Commerce Case Management Program:**  
**Procedure for Disposition of Commerce Program Cases Filed on and after January 1, 2000**

A Commerce Case Management Program ("Commerce Program") has previously been established within the Trial Division of the Court of Common Pleas (Administrative Docket 01 of 1999 and 01 of 2000).

**A. Organization**

1. **Judges.** Three judges shall be assigned by the Administrative Judge to the Commerce Program. The number of Commerce Program Judges may thereafter be adjusted by the Administrative Judge consistent with the caseload of the Program.

2. **Filings & Listings.** Upon consultation with the Administrative Judge, the Civil Supervising Judge and the Commerce Program Judges, with the goal of ease of access by the Commerce Program Judges and their staff, the parties and the public, the Prothonotary shall establish procedures for maintenance of filings and listings in actions assigned to the Commerce Program.

**B. Assignment of Cases Subject to Commerce Program**

1. **Cases Subject to Commerce Program.** Notwithstanding anything to the contrary in General Court Regulation 95-2 (Day Forward Program) or any other General Court Regulation, Jury, Non-Jury & Equity, and Class Action cases filed on or after January 1, 2000, but not Arbitration cases, shall be assigned to the Commerce Program if they are among the following types of actions:

1. Actions relating to the internal affairs or governance, dissolution or liquidation, rights or obligations between or among owners (shareholders, partners, members), or

liability or indemnity of managers (officers, directors, managers, trustees, or members or partners functioning as managers) of business corporations, partnerships, limited partnerships, limited liability companies or partnerships, professional associations, business trusts, joint ventures or other business enterprises, including but not limited to any actions involving interpretation of the rights or obligations under the organic law (e.g., Pa. Business Corporation Law), articles of incorporation, by-laws or agreements governing such enterprises;

2. Disputes between or among two or more business enterprises relating to transactions, business relationships or contracts between or among the business enterprises. Examples of such transactions, relationships and contracts include:
  - Uniform Commercial Code transactions;
  - Purchases or sales of businesses or the assets of businesses;
  - Sales of goods or services by or to business enterprises;
  - Non-consumer bank or brokerage accounts, including loan, deposit cash management and investment accounts;
  - Surety bonds;
  - Purchases or sales or leases of, or security interests in, commercial, real or personal property; and
  - Franchisor/franchisee relationships.
3. Actions relating to trade secret or non-compete agreements;
4. "Business torts," such as claims of unfair competition, or interference with contractual relations or prospective contractual relations;
5. Actions relating to intellectual property disputes;
6. Actions relating to securities, or relating to or arising under the Pennsylvania Securities Act;
7. Derivative actions and class actions based on claims otherwise falling within these ten types, and consumer class actions other than personal injury and products liability claims;
8. Actions relating to corporate trust affairs;
9. Declaratory judgment actions brought by insurers, and coverage dispute and bad faith claims brought by insureds, where the dispute arises from a business or commercial insurance policy, such as a Comprehensive General Liability policy, and;
10. Third-party indemnification claims against insurance companies where the subject

insurance policy is a business or commercial policy and where the underlying dispute would otherwise be assigned to the Commerce Program, not including claims where the underlying dispute is principally a personal injury claim.

All of the above types of actions may involve individuals named as parties, in addition to business enterprises, so long as all other criteria are met and the essential nature of the litigation is a business dispute. For example, a dispute over a commercial loan may include individual guarantors as either plaintiffs or defendants, as the case may be, but such a lawsuit would still be a commercial dispute.

**2. Cases Not Subject to the Commerce Program.** The following types of matters are not to be included in the Commerce Program:

1. Matters subject to Compulsory Arbitration in this Court or to the jurisdiction of the Municipal Court, including any appeals.
2. Personal injury, survival or wrongful death matters.
3. Individual (non-class) consumer claims against businesses or insurers, including products liability and personal injury cases.
4. Matters involving occupational health or safety.
5. Environmental claims not involved in the sale or disposition of a business and other than those addressed in Commerce Program types 9 or 10 above.
6. Matters in eminent domain.
7. Malpractice claims, other than those brought by business enterprises against attorneys, or accountants, architects or other professionals in connection with the rendering of professional services to the business enterprise.
8. Employment law cases, other than those referenced in Commerce Program type 3, above.
9. Administrative agency, tax, zoning and other appeals.
10. Petition Actions in the nature of Change of Name, Mental Health Act Petitions, Petitions to Appoint an Arbitrator, Government Election Matters, Leave to Issue Subpoena, or to Compel Medical Examination.
11. Individual residential real estate and non-commercial landlord-tenant disputes.
12. Domestic relations matters, and actions relating to distribution of marital property,

custody or support.

13. Any matter required by statute, including 20 Pa. C.S. Chapter 7, §§ 711 & 713, to be heard in the Orphans' Court or Family Court Division of the Philadelphia Court of Common Pleas, or other matter which has heretofore been within the jurisdiction of the Orphans' Court or Family Court Division of this Court.
14. Any criminal matter other than criminal contempt in connection with a Commerce Program action.
15. Such other matters as the Court shall determine.

**3. Assignments Based on the Civil Cover Sheet.** The Civil Cover Sheet, effective January 1, 2000, shall include a box in which the attorney signing the sheet must certify that the action is, or is not, subject to the Commerce Program. A "Commerce Program Addendum to Civil Cover Sheet," a sample of which is attached as Exhibit "A," is hereby required to be filed with all initial filings (i.e., all filings requiring a Civil Cover Sheet) subject to the Commerce Program, filed on or after January 1, 2000. The attorney shall indicate on the Commerce Program Addendum filed with any filing denoted as a Commerce Program matter, the applicable type or types of action which result in the matter being assigned to the Commerce Program. An attorney's signature on the Civil Cover Sheet shall constitute certification that the matter is or is not subject to the Commerce Program, as indicated on the Civil Cover Sheet and Addendum. A copy of the Civil Cover Sheet, including any Commerce Program Addendum, shall be served with the original process served on all parties.

All actions designated into the Commerce Program pursuant to the Commerce Program Addendum are hereby assigned to the Commerce Program and to the individual calendar of one of the Commerce Program Judges, according to a random procedure established by the Administrative Judge or the designee of the Administrative Judge. This assignment shall be noted on the Docket. All further filings in the matter shall state prominently in the caption and on any cover sheets that the matter is "ASSIGNED TO COMMERCE PROGRAM."

**4. Disputes Arising From the Civil Cover Sheet Designation.** If any party disagrees with the designation or lack of designation of a case into the Commerce Program, that party shall file with Civil Motions Clerk in the Office of Civil Administration, 296 City Hall, to be referred to the Administrative Judge, or the designee of the Administrative Judge, for decision (which shall not be subject to appeal), and serve on all parties a Notice of Management Program Dispute, in the form attached as Exhibit "B" and not exceeding three pages, as soon as practical, and no later than the earliest of (a) the filing by that party of any pleading, motion or response to motion, (b) ten days in advance of a noticed case management conference or (c) thirty days after service of process. A copy of the complaint or filing commencing the litigation, shall be attached to the Notice of Management Program Dispute. Any party opposing the Notice of Management Program Dispute may, but need not, submit a response thereto not exceeding three pages (to Civil Motions Clerk, Room 296 City Hall) within seven days of service of the Notice.

In the event of the service of a Notice of Management Program Dispute, a copy of that Notice shall be attached to and referenced in all motions and responses to motions filed by any party pending the resolution of the management program dispute.

**C. Commencement of Action**

All subject actions shall be commenced as provided in Pa. R.C.P. 1007. Philadelphia Civil Rule \*205.2 shall be followed. As noted above, in all cases, not just those designated into the Commerce Program, a copy of the Civil Cover Sheet, including any Commerce Program Addendum, shall be served with original process served on all parties.

All jury demands shall be perfected in accordance with Pa. R.C.P. 1007.1 and Phila. Civ. R. \*1007.1.

A party seeking emergency relief immediately upon commencing an action subject to the Commerce Program shall follow the procedure set forth in part D.6. below (Rules to Show Cause and Emergency Motions and Petitions).

**D. Case Management Procedures**

**1. Authority Over Commerce Program Status:** When there is a dispute as to whether the case is properly assigned to the Commerce Program, the decision will be made by the Administrative Judge or the designee of the Administrative Judge. If the Civil Case Manager conducting a case management conference or any party objects as to the Commerce Program assignment, the Case Manager will forward the dispute to the Administrative Judge or the designee of the Administrative Judge.

**2. Alternative Procedures Available:** The Commerce Program Judge, in his/her discretion, may, upon application of any party or upon his/her own initiative, modify these procedures. Requests for changes in these procedures will be made by filing a Petition for Extraordinary Relief (which Petition calls for a ten-day response time).

**3. The Case Management Conference:** Typically, notice of a Case Management Conference ("CMC") will be sent to counsel and unrepresented parties (sixty days after filing) scheduling the CMC for approximately ninety days after filing. In certain circumstances, the CMC may be scheduled through the Commerce Program Judge.

**a. Presiding Officer:** Unless otherwise ordered, the CMC shall be conducted by a Civil Case Manager designated by the Court, acting on behalf of the assigned Commerce Program Judge.

**b. Issues to be Addressed:** The following subjects, along with other appropriate topics, such as service of process, venue, pleadings, discovery, possible joinder of additional parties, theories of liability, damages claimed and applicable defenses (see also Pa.R.C.P. 213.3), will be discussed.

**(1) Means for Early Disposition**

- a. Timing and potential forms of Alternative Dispute Resolution (ADR). The case manager will make available the list of Commerce Program Judges Pro Tempore (as provided by the Business Litigation Committee of the Philadelphia Bar Association).
- b. Scheduling pre-discovery dispositive motions, only if oral argument is needed. (Whether to hear oral argument is up to the Commerce Program Judge). The Commerce Program Judge will likely have a half day set aside for hearing Motions and Rules.
- c. Scheduling limited-issue discovery in aid of early dispositive motions. The Case Manager will advise counsel of the half day Discovery Program set up for the assigned Commerce Program Judge.

**(2) Schedules and Deadlines**

- a. Assignment to a Case Management Track and issuance of a Case Management Order ("CMO"), which will set forth a target trial date, deemed the earliest trial date pursuant to Pa. R.C.P. 212.1.
- b. A discovery plan and schedule based on the CMO date for the completion of discovery.
- c. Anticipated areas of expert testimony, timing for identification of experts, responses to expert discovery, exchange of expert reports (reference to the CMO).

**(3) Potential Use of a Commerce Court Judge Pro Tempore**

- a. On stipulation of all parties for supervision of discovery.
- b. For mediation.
- c. Identification of a particular Commerce Program Judge Pro Tempore acceptable to all parties.
- d. The choice of a particular Judge Pro Tempore for these

purposes must be approved by the Court.

- e. Use of a Pro Tempore Judge for purposes of discovery or mediation cannot affect the deadlines set forth in the CMO, unless the Commerce Program Judge allows an extension of affected dates.

The Commerce Program Judge may establish any informal procedures to achieve expeditious resolution of discovery disputes and other non-dispositive issues. Prior to the CMC, it shall be the obligation of the parties to confer concerning all of the above matters, for the purposes of reaching agreements.

#### **4. Case Management Order:**

At the CMC, the Case Manager shall issue a Case Management Order ("CMO") setting forth dates for a Settlement Conference and for a Pretrial Conference (with Pretrial Statements typically to be filed in advance), and for Trial. The CMO will also address cut-off dates for completion of discovery, for the service of expert reports and for the filing of Motions.

Based upon the nature and complexity of the case, the Case Manager with input from the parties at the CMC shall assign the case to a track. The Commerce Program shall typically employ the following management tracks: Commerce Expedited (Target Trial Date within 13 months of Complaint) and Commerce Standard (Target Trial Date within 18 months of Complaint). Only exceptionally complicated cases should be designated Commerce Complex (Target Trial Date within two years of Complaint). In the latter instance, the Commerce Program Judge may schedule status conferences at six month intervals or at other times upon application of the parties, if appropriate.

The Commerce Expedited Track shall consist of matters in which minimal discovery is needed and legal issues are anticipated to be routine. Examples of such actions, in the absence of complicating factors, are actions relating to commercial loans, and contract, UCC and foreclosure matters. Other matters should presumptively be designated Commerce Standard. Actions in which preliminary injunctive relief is sought may be appropriate for any of the tracks, depending upon the circumstances.

A suggested form Case Management Order is attached as Exhibit "C." A grid of time standards that will be employed depending upon the applicable track Case Management Order is attached as Exhibit "D." Sample Commerce Program Class Action Case Management Order Forms are attached hereto as Exhibit "E".

#### **5. Commerce Court Motions.**

##### **a. Motion Practice and Discovery Motions.**

The Commerce Program Judge to whom the action is assigned will hear all pretrial motions, including discovery motions, except that, to the extent that scheduling or other concerns so require, a

Commerce Program Judge may make arrangements for certain discovery and other pretrial motions to be heard by another Commerce Program Judge. All motions (except discovery motions) shall be filed in Motion Court with a designation on the Motion Court Cover Sheet of the assigned Commerce Program Judge. Procedures of the Discovery Court should generally be followed, and filings processed through Room 287. In some instances, the Commerce Program Judge may direct further briefing of complex discovery motions. Any Notice of Management Program Dispute that is pending or is being filed contemporaneously with the Motion filing, should be noted in the Motion Court Cover Sheet. Oral argument is at the discretion of the Commerce Program Judge.

A Commerce Program Discovery List for each Commerce Program Judge shall be established so that discovery matters ordinarily will be heard by that Judge on a particular day of the week. Each Judge may also scheduling hearings on non-discovery motions on the discovery day, or at such other times as the Court deems appropriate.

**b. Petitions for Extraordinary Relief.**

A Motion for Extraordinary Relief must be filed whenever a party seeks an extension of a deadline imposed by a case management order. Any party may seek relief from the time requirements by filing the Motion for Extraordinary Relief. This Motion must be filed prior to the deadline that the party is seeking to change. Motions for Extraordinary Relief are filed with the Motions Clerk in Room 296, City Hall. Any adverse party has ten (10) days after the filing of the motion to file a response. The Motion Court will forward the pleading to the assigned team leader.

The Motion for Extraordinary Relief is ruled on by the individual team leaders. Counsel must include the name of the team leader for that given case (Sheppard, Abramson, Jones) on the Petition/Motion Cover Sheet. The party filing the motion must include a proposed order that sets forth the extension requested **in months**, as well as a copy of the current Case Management Order.

Counsels' agreement to extend deadlines within a Case Management Order is not a recognized basis for an extension. A movant must demonstrate extraordinary and nonforeseeable circumstances justifying the deadline extension request. Requests for extensions of Court ordered deadlines should be utilized only as a last resort and with compelling reasons offered in support thereof.

**6. Rules to Show Cause and Emergency Motions and Petitions.** Rules to show cause in cases assigned to the Commerce Program will be presented in the Motions Court, where they will be reviewed as to form, and forwarded to the assigned Commerce Program Judge for consideration.

Unless there is a dispute as to Commerce Program applicability, emergency motions or petitions in a newly filed action presented in a matter appropriate for assignment to the Commerce Program shall be referred to a Commerce Program Judge for disposition. If there is any dispute regarding Commerce Program applicability, that dispute shall be referred to the Administrative Judge or the designee of the Administrative Judge. Parties are encouraged to give the Motion Court advance notice of an emergency motion or petition, including notice that the action is assigned to the

Commerce Program or may be appropriate for such assignment. If the assigned Commerce Program Judge is unavailable, an emergency motion or petition in an action already assigned to Commerce Program shall be heard by the other Commerce Program Judge, if available, with any subsequent hearing referred back to the assigned Commerce Program Judge. If no Commerce Program Judge is available to hear an emergency motion or petition, such motion or petition shall be referred to a Judge assigned to Motion Court (or, if necessary, the Emergency Judge), with any subsequent hearing referred back to the appropriate Commerce Program Judge. An emergency motion heard by a Commerce Program Judge in a case which has not yet gone through the random assignment procedure shall be subject to that procedure prior to any subsequent hearing and the subsequent hearing shall be scheduled before the Commerce Program Judge assigned.

7. **Settlement Conferences.** A settlement conference may be expeditiously scheduled in any case in which counsel concur that such a conference may be productive. Such requests shall be made in writing by letter to the assigned Commerce Program Judge, and in all other respects Local Civ. R. \*212.1(B) should be applied.

Except as otherwise provided in Local Civil Rule \*212.3 (Settlement Conferences -- Non Jury Cases), Commerce Program Judges may assist the parties in reaching a fair and reasonable settlement or other resolution of the matter. To that end, the assigned Commerce Program Judge, in his or her discretion, may schedule one or more formal settlement conferences. The Commerce Program Judge may also encourage the parties to engage in settlement discussions and in any form of Alternative Dispute Resolution (ADR), including the assistance of a Commerce Program Judge Pro Tempore, that may result in settlement, avoidance of trial or expeditious resolution of the dispute. Except upon order of the Court, the pendency of any form of ADR shall not alter the date for commencement of trial.

8. **Pretrial Conference.** A Pretrial Conference shall be held in all Commerce Program actions. At the conclusion of the Pretrial Conference, a Pretrial Order controlling the conduct of trial may be entered. The Court shall exercise its best efforts to try the matter as soon after the target trial date as practicable.

Typically, the CMO will require the filing of Pretrial Statements (Pa. R.C.P. 212.2) in advance of the Pretrial Conference. Prior to the Pretrial Conference, principal trial counsel shall confer on the matters set forth in Pa. R.C.P. 212.3, and attempt to reach agreement on any such matters.

Following the Pretrial Conference, the Commerce Program Judge shall enter a Trial Scheduling Order, identifying the date by which the matter should be prepared for trial, and, if applicable, the date to be placed into a trial pool or the date of any special listings. The Trial Scheduling Order may further provide specific dates, to the extent not already addressed in the Case Management Order, for such matters as:

- Exchange of proposed stipulations and filing of stipulations in writing to facts about which there can be no reasonable dispute;

- Pre-marking and exchanging copies of all documents or other exhibits to be offered in evidence at trial;
- Service and filing of written objections to any documents or other exhibits as to which a party intends to object at trial, together with the legal basis for such objections;
- Identification in writing of all deposition testimony, by page and line number, intended to be read into the record at trial, followed by counterdesignations and objections to deposition designations;
- Exchange of trial briefs and proposed findings of fact and conclusions of law (nonjury) or requested points for jury charge (jury).

At such time prior to trial as may be fixed by the Court, it shall rule on all matters placed in issue under this procedure.

In addition, the Commerce Program Judge may establish procedures consistent with the requirements of each case to ensure close interaction with the parties in order to minimize trial time.

***E. Commerce Program Judges Pro Tempore And Alternative Dispute Resolution***

There shall be established in the Commerce Program, an Alternative Dispute Resolution program for Commerce Program actions, which may include, but is not limited to, mediation and the assistance of Commerce Program Judges Pro Tempore.

***1. Panel of Commerce Program Judges Pro Tempore***. The Administrative Judge or designee shall designate a panel of Commerce Program Judges Pro Tempore from among volunteers nominated and approved by the Philadelphia Bar Association Business Law Section, Business Litigation Committee, who shall be distinguished attorneys engaged in active practice of law with no less than fifteen (15) years trial experience including a practice focused on the type of litigation described in section B.1. above (Cases Subject to Commerce Program). Commerce Program Judges Pro Tempore shall serve without charge. Persons may be added to or removed from the panel as the Administrative Judge or designee may determine consistent with the qualifications above.

The Court may order a Commerce Program case to be assigned for Settlement Conference to a Commerce Program Judge Pro Tempore who shall, on a date certain, hold a Settlement Conference which must be attended by trial counsel representing the parties, as well as any unrepresented parties. Counsel and unrepresented parties shall provide to the Commerce Program Judge Pro Tempore prior to the Settlement Conference a fully completed Settlement Memorandum, in a form to be established by the Commerce Program Judges. The Commerce Program Judge Pro Tempore on such a referral is not authorized to rule on any motions, but will attempt to facilitate a settlement between the parties.

2. **Mediation.**

a. **Referral to Mediation and Selection of Mediator.** Commerce Program cases may be referred to nonbinding mediation at the discretion of the Commerce Program Judge, who may make such referrals at the time of the Case Management Conference, at a Pretrial Conference referenced above, or at any other time. Where appropriate and whether or not mediation is pursued at an early stage of the litigation, the Commerce Program Judge has the discretion to refer cases to nonbinding mediation at a later stage of the proceedings.

The Court may permit the parties to choose the mediator from among the panel of Commerce Program Judges Pro Tempore, or agree to pay for a mediator not on the panel. The order of reference to mediation shall not stay or delay any scheduling dates, unless the Court so orders.

b. **Conflicts of Interest.** A mediator to whom a case is assigned must disclose to the parties and to the Court any apparent conflict of interest. Unless the mediator determines consistent with any applicable ethical requirements and guidelines that he or she should preside notwithstanding any such apparent conflict of interest and the parties and the Court agree that such mediator nevertheless shall preside, another mediator shall be selected.

c. **Confidentiality of Mediation.** The order referring an action to mediation shall require that the mediator report to the Court the disposition of the mediation in accordance with a schedule as determined by the Court, under the guidelines below. The order shall also provide that all information received by the mediator as to the merits of the matter, including the submitted memoranda, shall remain confidential and not be reported or submitted to the Court by the mediator or the parties, except as necessary in a stipulation of settlement agreed to by the parties.

d. **Mediation Procedure.** The first mediation session preferably shall be conducted within 30 days of the execution of the order of reference, unless the Court establishes a different schedule. At least ten days before the first session, each party shall deliver to the mediator a copy of its pleadings, any briefs filed in the action important to the mediation and a memorandum of not more than five pages (double-spaced), setting forth that party's contentions as to liability and damages. The memorandum shall be served on all parties, but shall be marked "Confidential, for Mediation Only," and may not be used, cited, quoted, marked as an exhibit or referenced in any proceedings. Attendance at the first mediation session shall be mandatory, and the mediator may require, in addition to the appearance of the attorneys, the presence of the parties or their representatives with authority to settle. If the first session is successful, the settlement shall be reduced to a stipulation, and the mediator shall submit forthwith the stipulation, the notice of discontinuance and the report of disposition to the Court. The report of disposition shall be on a form prescribed by the Court Administrator.

e. **Report; Extensions.** If the action is not settled upon completion of the first session, the mediator may schedule additional sessions on consent of the parties. However, at the end of the first session, any party or the mediator may terminate the mediation effort, and in that case the mediator shall advise the Court forthwith that mediation has been terminated but shall not

disclose the identity of any parties who terminated or did not terminate the mediation.

Except as set forth below, subsequent sessions should be concluded within 15 days from the date by which the first session was to have been held according to the order of reference. The mediator shall report to the Court as to the outcome of the mediation session(s) no later than 20 days from the date by which the first session was to have been held according to the order of reference.

If mediation cannot be concluded within 15 days from the date by which the first session was to have been held according to the order of reference, upon consent of all parties a 30-day extension of time to conduct further sessions may be granted by the mediator. If such extension is granted, the mediator shall report to the Court as to the success or lack of success of the additional sessions as soon as practicable but in any event no later than 5 days after the final mediation session.

All deadlines and relevant procedures shall be set forth in a standard form order of reference.

BY THE COURT:

---

James J. Fitzgerald, III  
Administrative Judge, Trial Division

---

This Administrative Docket is promulgated in accordance with the April 11, 1987 Order of the Supreme Court of Pennsylvania, Eastern District, No. 55, Judicial Administration, Docket No. 1, Phila. Civ. \*51 and Pa. R.C.P. 239, and shall become effective immediately. As required by Pa. R.C.P. 239, the original Administrative Docket shall be filed with the Prothonotary in a docket maintained for Administrative Dockets issued by the Administrative Judge of the Trial Division and copies shall be submitted to the Administrative Office of Pennsylvania Courts, the Legislative Reference Bureau and the Civil Procedural Rules Committee. Copies of the Administrative Docket shall also be submitted to American Lawyer Media, *The Legal Intelligencer*, Jenkins Memorial Law Library and the Law Library for the First Judicial District.

## **EXHIBIT A**

### **COMMERCE PROGRAM ADDENDUM TO CIVIL COVER SHEET**

This case *is* subject to the Commerce Program because it is not an arbitration matter and it falls within one or more of the following types (check all applicable):

- 1. Actions relating to the internal affairs or governance, dissolution or liquidation, rights or obligations between or among owners (shareholders, partners, members), or liability or indemnity of managers (officers, directors, managers, trustees, or members or partners functioning as managers) of business corporations, partnerships, limited partnerships, limited liability companies or partnerships, professional associations, business trusts, joint ventures or other business enterprises, including but not limited to any actions involving interpretation of the rights or obligations under the organic law (e.g., Pa. Business Corporation Law), articles of incorporation, by-laws or agreements governing such enterprises;
- 2. Disputes between or among two or more business enterprises relating to transactions, business relationships or contracts between or among the business enterprises. Examples of such transactions, relationships and contracts include:
  - (a) Uniform Commercial Code transactions;
  - (b) Purchases or sales of business or the assets of businesses;
  - (c) Sales of goods or services by or to business enterprises;
  - (d) Non-consumer bank or brokerage accounts, including loan, deposit cash management and investment accounts;
  - (e) Surety bonds;
  - (f) Purchases or sales or leases of, or security interests in, commercial, real or personal property; and
  - (g) Franchisor/franchisee relationships.
- 3. Actions relating to trade secret or non-compete agreements;
- 4. "Business torts," such as claims of unfair competition, or interference with contractual relations or prospective contractual relations;
- 5. Actions relating to intellectual property disputes;
- 6. Actions relating to securities, or relating to or arising under the Pennsylvania Securities Act;
- 7. Derivative actions and class actions based on claims otherwise falling within these ten types, and consumer class actions other than personal injury and products liability claims;
- 8. Actions relating to corporate trust affairs;
- 9. Declaratory judgment actions brought by insurers, and coverage dispute and bad faith claims brought by insureds, where the dispute arises from a business or commercial insurance policy, such as a Comprehensive General Liability policy;
- 10. Third-party indemnification claims against insurance companies where the subject insurance policy is a business or commercial policy and where the underlying dispute would otherwise be subject to the Commerce Program, not including claims where the underlying dispute is principally a personal injury claim.

*Instructions:* Please see Commerce Case Management Program: Procedure for Disposition of Commerce Program Cases Filed On and After January 1, 2000. Arbitration matters are not subject to the Commerce Program. Note that the following types of matters are **not** to be included in the Commerce Program:

1. Matters subject to Compulsory Arbitration in this Court or to the jurisdiction of the Municipal Court, including any appeals.
2. Personal injury, survival or wrongful death matters.
3. Individual (non-class) consumer claims against businesses or insurers, including products liability and personal injury cases.
4. Matters involving occupational health or safety.
5. Environmental claims not involved in the sale or disposition of a business and other than those addressed in Commerce Program types 9 or 10 above.
6. Matters in eminent domain.
7. Malpractice claims, other than those brought by business enterprises against attorneys, or accountants, architects or other professionals in connection with the rendering of professional services to the business enterprise.
8. Employment law cases, other than those referenced in Commerce Program type 3 above.
9. Administrative agency, tax, zoning and other appeals.
10. Petition Actions in the nature of Change of Name, Mental Health Act Petitions, Petitions to Appoint an Arbitrator, Government Election Matters, Leave to Issue Subpoena, Compel Medical Examination.
11. Individual residential real estate and non-commercial landlord-tenant disputes.
12. Domestic relations matters, and actions relating to distribution of marital property, custody or support.
13. Any matter required by statute, including 20 Pa. C.S. Chapter 7, §§ 711 & 713, to be heard in the Orphans' Court or Family Court Division of the Philadelphia Court of Common Pleas, or other matter which has heretofore been within the jurisdiction of the Orphans' Court or Family Court Division of this Court.
14. Any criminal matter other than criminal contempt in connection with a Commerce Program action.
15. Such other matters as the Court shall determine.

**EXHIBIT B -- NOTICE OF MANAGEMENT PROGRAM DISPUTE**

---

FIRM NAME

BY: ATTORNEY NAME

IDENTIFICATION NO.: XXXXX

Attorney for Defendant: XYZ, Inc.

STREET ADDRESS

PHILADELPHIA, PA 191XX

TELEPHONE NO.: XXX-XXX-XXXX

PLAINTIFF : PHILADELPHIA COUNTY  
: COURT OF COMMON PLEAS  
:  
v. : \_\_\_\_\_ TERM, 20XX  
:  
DEFENDANT : No:

**NOTICE OF MANAGEMENT PROGRAM DISPUTE**

According to the Civil Cover Sheet and Commerce Program Addendum filed by Plaintiff on [date] and served on [date], Plaintiff designated this action as [not subject to the Commerce Program] [or] [subject to the Commerce Program, designating type[s] X [and X]].

[This action is not subject to the Commerce Program because \_\_\_\_\_.]

[or] [This action is subject to the Commerce Program. It is not an arbitration matter and falls within type[s] X [and X] in the Commerce Program types, as identified in the Commerce Program Addendum executed by the undersigned and attached as Exhibit A hereto.]

[Any additional comments, with total document (excluding cert. of service, Commerce Program Addendum and Complaint) not to exceed three pages.]

Name of Attorney  
Attorney for Defendant, XYZ, Inc.

[Include a copy of the complaint or other filing commencing the action, along with a Certificate of Service identifying date and manner of service and names and addresses].

**EXHIBIT C -- CASE MANAGEMENT ORDER**

---

**IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY  
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
CIVIL TRIAL DIVISION**

*caption*

: *Court term and number*

**COMMERCE PROGRAM  
CASE MANAGEMENT ORDER**

**TRACK**

AND NOW, this            day of            , 200\_, it is **ORDERED** that:

1. The case management and time standards adopted for the Commerce Program, "track" cases shall apply and are incorporated.
2. All discovery shall be completed no later than \_\_\_\_\_.
3. Plaintiff(s) shall identify and submit Curriculum Vitae and Expert Reports for all expert witnesses intended to testify at trial to all other parties not later than \_\_\_\_\_.
4. Defendant(s) and any additional defendant(s) shall identify and submit Curriculum Vitae and Expert Reports of all expert witnesses intended to testify at trial to all other parties not later than \_\_\_\_\_.
5. All Pretrial Motions (other than Motions in Limine) shall be filed not later than \_\_\_\_\_.
6. A settlement conference may be scheduled at any time after \_\_\_\_\_. On or before that date all parties shall serve on all opposing counsel or pro se parties and file a Settlement Memorandum containing the following:
  - (a) The plaintiff(s) shall provide a concise statement of the theory of the case. The defendant(s) and additional defendant(s) shall provide a concise statement as to the nature of the defense.
  - (b) A statement by the plaintiff(s) itemizing all damages sought by categories and amounts.
  - (c) Defendant(s) and additional defendant(s) shall identify all applicable insurance carriers, together with corresponding limits of liability.

7. A Pretrial Conference may be scheduled at any time after \_\_\_\_\_. Fifteen days prior to the Pretrial Conference, all parties shall file and serve on all opposing counsel or pro se parties a Pretrial Statement containing the following:
- (a) The plaintiff(s) shall provide a concise statement of the theory of the case. The defendant(s) and additional defendant(s) shall provide a concise statement as to the nature of the defense;
  - (b) A list of all witnesses who may be called to testify at trial by name and address. Counsel should expect witnesses not listed to be precluded from testifying at trial;
  - (c) A list of all exhibits the party intends to offer into evidence. All exhibits shall be numbered and exchanged among counsel prior to the Conference. Counsel should expect any exhibit not listed to be precluded at trial;
  - (d) Plaintiff(s) shall itemize all damages claimed by category and amount;
  - (e) Defendant(s) and all additional defendant(s) shall state a position regarding the damages claimed and identify all applicable insurance carriers, together with applicable limits of liability; and
  - (f) An estimate of the anticipated length of trial.
8. It is expected that the case will be ready for trial \_\_\_\_\_, which is the earliest trial date pursuant to Pa. R.C.P. 212.1, and counsel should anticipate trial to begin expeditiously thereafter.
9. All counsel are under a continuing obligation, and hereby **ORDERED** to serve a copy of this Order upon all unrepresented parties and upon all counsel entering an appearance subsequent to the entry of this Order.

BY THE COURT:

, J.

**EXHIBIT D -- COMMERCE PROGRAM MANAGEMENT TRACKS**

---

<b>Commerce Program Time Standards by Track</b>			
<b>Case Event</b>	<b>Commerce Expedited</b>	<b>Commerce Standard</b>	<b>Commerce Complex</b>
Case Management Conference	3 months	3 months	3 months
Status Conference	Discretionary	Discretionary	Discretionary <sup>1</sup>
Discovery Complete	6 months	11 months	17 months
Plaintiff Expert Reports	6 months	11 months	17 months
Defendant Expert Reports <sup>2</sup>	8 months	13 months	19 months
Motions Filed	8.5 months	13.5 months	19.5 months
Settlement Conference	11 months	16 months	22 months
Pretrial Conference	12 months	17 months	23 months
Trial	13 months	18 months	24 months

---

<sup>1</sup>A Status Conference may be scheduled at six month intervals if requested by counsel and approved by the Court.

<sup>2</sup> The Court will provide for rebuttal expert reports to the extent appropriate.



iii. Defendant shall file a reply brief in support of those preliminary objections on or before \_\_\_\_\_.

3. If Plaintiff does not amend the complaint in response to Defendant's preliminary objections, the following deadlines shall apply:

- a. Defendant shall file a brief in support of those preliminary objections on or before \_\_\_\_\_.
- b. Plaintiff shall file a response to, and brief in opposition to, those preliminary objections on or before \_\_\_\_\_.
- c. Defendant shall file a reply brief in support of those preliminary objections on or before \_\_\_\_\_.

4. If any deadline set forth in this Order or any other case management order in this matter falls on a date on which the Court or the Office of the Prothonotary is not open, then the deadline shall be extended, without further Order, to the next day on which the Court and the Office of the Prothonotary are open.

5. The absence of any provision in this Order or any other case management order in this matter for surreply shall not prevent a Party from petitioning the Court for leave to file such surreply. It is agreed, however, that in the event a surreply is permitted by the Court, any such surreply shall be filed no less than seven days prior to the scheduled hearing to which the surreply related, unless otherwise ordered by the Court.

**BY THE COURT,**

**, J.**

**DATED:**

Agreed to as to form:

\_\_\_\_\_  
Attorneys for Plaintiff

\_\_\_\_\_  
Attorneys for Defendant

**IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY  
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
CIVIL TRIAL DIVISION**

	:	
	:	
	:	
<i>Plaintiff(s)</i>	:	
	:	
v.	:	No. _____ -
	:	
	:	
	:	
	:	
<i>Defendant(s)</i>	:	

**ORDER**

AND NOW, this     day of             200\_\_, upon consideration of the Defendant’s Preliminary Objections to the Plaintiff’s Complaint and the Plaintiff’s response thereto, it is hereby **ORDERED and DECREED** as follows:

1. The Preliminary Objections are **Overruled**.
2. The Defendant is directed to file an answer to the Complaint within twenty (20) days of the date of entry of this Order.
3. The Parties shall jointly complete the attached case management order regarding class certification and return a completed copy within thirty (30) days of the date of entry of this Order. If the Parties are unable to arrive at an agreement as to all dates, they shall submit letters to the Court setting forth those dates agreed upon and dates in dispute.

**BY THE COURT,**

**, J.**

**IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY  
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
CIVIL TRIAL DIVISION**

_____	:	
_____	:	
<i>Plaintiff(s)</i>	:	
	:	
v.	:	No. _____ -
	:	
_____	:	
_____	:	
<i>Defendant(s)</i>	:	

**COMMERCE PROGRAM CLASS ACTION  
STIPULATED CASE MANAGEMENT ORDER ON  
CLASS CERTIFICATION**

AND NOW, this      day of                      200\_\_, upon consideration of the Parties consent to the following case management schedule regarding class certification, it is hereby **ORDERED** that:

1. Plaintiff shall file a motion for class certification on or before \_\_\_\_\_.
2. The period for discovery relating to class certification shall close on \_\_\_\_\_.  
Deposition shall be noticed to occur, and written discovery requests shall be served, on or before the date referenced in this paragraph.
3. Defendant shall file a response to, and brief in opposition to, Plaintiff’s motion for class certification on or before \_\_\_\_\_.
4. Plaintiff shall file a reply brief in support of its motion for class certification on or before \_\_\_\_\_.

**BY THE COURT,**

**, J.**

**DATED:**

Agreed to as to form:

\_\_\_\_\_  
Attorneys for Plaintiff

Attorneys for Defendant

**IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY  
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
CIVIL TRIAL DIVISION**

	:	
	:	
	:	
<i>Plaintiff(s)</i>	:	
	:	
v.	:	No. _____ -
	:	
	:	
	:	
	:	
<i>Defendant(s)</i>	:	

**ORDER**

AND NOW, this      day of              200\_\_, upon consideration of the Plaintiff's Motion for Class Certification, the Plaintiff's response thereto, oral argument before the Court and all matters of record, and in accord with the Opinion being filed contemporaneously with this Order, it is **ORDERED** and **DECREED** as follows:

1. The above captioned action is certified as a class action on the claims for \_\_\_\_\_.
2. The cases shall consist of the following:  
[DESCRIPTION]
3. Plaintiff \_\_\_\_\_ shall serve as class representative.
4. The Parties shall submit proposals for a notification procedure and proposed form of notice for class members within thirty (30) days from the date of entry of this Order.
5. The Parties shall jointly complete the attached case management order regarding dispositive motions and fact and expert discovery and return a completed copy within thirty (30) days of the date of entry of this Order. If the Parties are unable to arrive at an agreement as to all dates, they shall submit letters to the Court setting forth those dates agreed upon and dates in dispute.

**BY THE COURT,**

**, J.**



- iv. a list of all cases in which the expert has given sworn testimony at deposition or trial within five (5) years prior to the date of disclosure;
  - v. a report setting forth a complete description of all opinions to be offered by the expert, the basis for those opinions, a description of the materials considered in forming those opinions, and a list of exhibits to be used as a summary of or in support of those opinions.
3. **Dispositive Motions:** If either Party files any dispositive motions, then the following deadlines shall apply:
- a. Any dispositive motions, including all supporting materials, shall be filed on or before \_\_\_\_\_.
  - b. Any response to any such dispositive motion, including all supporting materials, shall be filed on or before \_\_\_\_\_.
  - c. Any reply brief in support of any such dispositive motion shall be filed on or before \_\_\_\_\_.
  - d. If neither Party files any dispositive motion by the deadline set forth in Paragraph 3a of this Order, the Parties shall contact the Court regarding a case management order for the pre-trial and trial stage of this action.

**BY THE COURT,**

**, J.**

**DATED:**

Agreed to as to form:

\_\_\_\_\_  
Attorneys for Plaintiff

\_\_\_\_\_  
Attorneys for Defendant

**IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY  
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
CIVIL TRIAL DIVISION**

_____	:	
_____	:	
_____	:	
<i>Plaintiff(s)</i>	:	
	:	
v.	:	No. _____ -
	:	
_____	:	
_____	:	
_____	:	
<i>Defendant(s)</i>	:	

**ORDER**

AND NOW, this      day of                      200\_\_, upon consideration of the Defendant’s Motion for Summary Judgment, the Plaintiff’s response thereto and all other matters of record, and in accord with the Opinion being filed contemporaneously with this Order, it is hereby **ORDERED** and **DECREED** as follows:

1. The Motion is **Denied**.
2. The Parties shall contact the Court within thirty (30) days of the date of entry of this Order proposing dates for a settlement conference, a pre-trial conference and trial.

**BY THE COURT,**

**, J.**



- d. Plaintiff shall itemize all damages claimed by category and amount;
  - e. Defendant shall state a position regarding damages claimed and shall identify all applicable insurance carriers, together with applicable limits of liability; and
  - f. An estimate of the anticipated length of trial.
3. **Trial:** The trial in this matter is scheduled to begin on \_\_\_\_\_.

**BY THE COURT,**

**, J.**

**COMMERCE PROGRAM TRACKING FORMULA****Initial criteria for cases to be tracked:**

- . Commencement of an action by Summons or Complaint over \$50,000.00 at time of initial filing.
- . At least one attorney of record.
- . Case status equal to Active or Deferred.
- . Note that the Program embodies both Jury and Non-Jury cases.

**Breakdown by track**

**EXPEDITED** - litigant count is less than or equal to (4) four, and case type is one of the following:

1C Contracts (Goods) Enforcement	3O Real Property - Other
1D Insurance, Declaratory Judgment	3P Title to Real Property
1G Subrogation Action	3R Rent, Lease or Ejectment
1L Mechanics Lien	E1 Equity - No Real Estate
1N Negotiable Instruments	E2 Equity - Real Estate
1O Contracts - Other	KF Franchise Disputes
IV Replevin	7C Confession of Judgment
3F Foreclosure	7F Foreign Judgment
3G Garnishment (Land)	8Q Petition to Stay Arbitration
3L Landlord/Tenant Complaint	8V Petition to Vacate/Modify Arb Award
3M Mechanics Lien Enforcement	

**STANDARD** - where the litigant count is greater than four (4) and the case type are the same as Expedited,  
or  
- where the case type (regardless of the number of litigants) is:

KA Purchase or Sale of Business or the Assets of the Business	KS Securities Law Actions
1J Bad Faith	KB Surety Bond Actions
1T Construction Contract	KT Business Torts
1S Shareholder Suit	KC Non Complete Agreements/Trade Secrets
4F Fraud	KU Corporate Trust Affairs
	KP Partnership Disputes

**COMPLEX** - following case types regardless of the number of litigants:

K1 Intellectual Property Disputes	4L Malpractice - Legal
4A Malpractice - Accounting	4Y Malpractice - Miscellaneous

**EXHIBIT G**

*Civil Administration At-A-Glance*

---

**Section 2**

---

**Day Forward  
Major Jury Program**

## DAY FORWARD/MAJOR JURY PROGRAM

The Day Forward/Major Jury Program encompasses all Major Civil Jury cases with the exception of Commerce and Mass Tort cases. Day Forward Case Management is the system that has been created to coordinate and schedule these cases for trial. To manage these cases more effectively, judges assigned to this program are divided into teams. Each team is assigned a Court Administrative officer who acts as the liaison to the Team Leader. The Day Forward/Major Jury programs are set forth below:

DAY FORWARD/ MAJOR JURY PROGRAM	JUDICIAL TEAM LEADER	COURT ADMINISTRATIVE OFFICER
2005	Judge Allen	Joseph DiRosa 215-686-3774 535 City Hall
2004	Judge New	Mary Doyle 215-686-3718 231 City Hall
2003	Judge Moss	Felicia Brown-Clark 215-686-2606 535 City Hall
2002	Judge Tereshko	Linda Kelly 215-686-9530 697 City Hall
2001 and Back	Judge Moss	Felicia Brown-Clark 215-686-2606 535 City Hall

To assure effective case management, every case in the Day Forward Program is scheduled for a Case Management Conference before a Case Manager approximately ninety (90) days after its initial filing. Case Management conferences are held in Room 613, City Hall. **Any questions regarding the scheduling or rescheduling of a Case Management Conference, should be directed to the Case Management Center. Please do not call the Judge's chambers.** The Civil Case Management Conference Center telephone numbers are as follows:

CASE MANAGEMENT STAFF	TELEPHONE NUMBER
Fax Line	215-686-3709
Stanley Thompson, Esq., Supervisor	215-686-3767
Lokia Owens, Receptionist	215-686-3710
Charles Pelletreau, Esq.	215-686-3779
Paul D. Salter, Esq.	215-686-3796

The main objective of the Case Management Conference is to obtain early disclosure of basic information about each case so that it can be managed more effectively. Therefore,

all counsel are required to attend the Case Management Conference. Counsel attending the conference must be knowledgeable about the case including issues relating to service of process, venue, pleadings, discovery, joinder of additional parties, theories of liability, damages, and defenses. In preparation for this conference, all parties must complete and submit a Case Management Conference Memorandum. A copy of the Case Management Conference Memorandum is included at the end of this section. Counsel must have a sufficient number of memoranda to supply to all parties at the time of the conference. In personal injury cases the memorandum must contain, at a minimum, past medical expenses, past wage loss, where applicable, and the amount of monetary damages demanded.<sup>1</sup> Based on this information, the Case Manager prepares a Case Management Order that establishes the schedule for each case. This Case Management Order sets deadlines for discovery, the exchange of expert reports, and the filing of motions. A presumptive month is set for a Settlement Conference, Pretrial Conference, and Trial. These deadlines may not be extended without approval of the Team Leader. The method for obtaining an extension is by the filing of a *Motion for Extraordinary Relief*, which shall be directed by the Motions Program to the appropriate Team Leader for review and disposition. The motion must be filed **before** the expiration of the deadline in question.

Another important objective of the Case Management Conference is to assign all cases to an appropriate “track.” At the Case Management Conference all cases are classified into one of three management tracks: *Expedited, Standard, or Complex*. Expedited Track cases are tried within thirteen months after filing; Standard Track cases are tried within nineteen months; Complex Track cases are tried within twenty-five months after filing. See the “Time Standards by Track” chart included at the end of this section. It is important to note that all deadlines and presumptive dates are based on the commencement of the action, not the date of the Case Management Conference. Disputes regarding the placement of a case in a certain track or in a program other than Major Jury can also be resolved by filing a Motion for Extraordinary Relief specifically for reconsideration of the assigned track.

After completion of discovery a Settlement Conference is held before a Special Judge *Pro Tempore*. The Judge *Pro Tempore* is an experienced attorney who will assist counsel in their good faith efforts to reach a voluntary and just resolution of the lawsuit. The Special Judges *Pro Tempore* work directly under the supervision of the Team Leader, to whom the results of each conference are reported. Settlement Conferences are conducted at the Dispute Resolution Center, Room 691, City Hall.

Should counsel fail to negotiate in good faith or are unprepared at the Settlement Conference, the Special Judge *Pro Tempore* may issue a Rule to Show Cause before the Team Leader who will address the failure to appropriately participate in the Settlement

---

<sup>1</sup> It is insufficient to indicate in the memorandum that injuries or damages are “unknown,” “to be supplied,” or “under investigation.” A party’s position on liability must be stated with sufficient specificity. It is unacceptable to state non-descriptive conclusions such as “liability certain,” liability clear,” or “100% liability.” In cases where counsel appear at the Case Management Conference without sufficient knowledge of facts or incomplete memoranda, the Case Manager may adjourn the conference and issue an order compelling the non-complying party to appear before the Judicial Team Leader to enforce compliance.

Conference. Any case that is not resolved at the Settlement Conference will be scheduled for a Pretrial Conference before the Judicial Team Leader of the respective program.

All parties are required to file a detailed Pretrial Memorandum with the Team Leader before the scheduled Pretrial Conference. The pretrial memorandum must identify by name and address every witness that will be called at trial; in addition, they must identify, exchange, and pre-mark every exhibit for trial. Only those witnesses and exhibits identified in the Pretrial Memorandum will be permitted at trial. At the Pretrial Conference, counsel are expected to discuss all aspects of settlement and trial. Upon conclusion of the Pretrial Conference, a trial date is scheduled and an Order for Trial is entered. Practically speaking, the preparation of a complete, effective pretrial memorandum presupposes that counsel have prepared their case for trial. Thus, the previously scheduled settlement conference, which was heard by the Judge Pro Tempore, is the final opportunity to resolve a case and avoid the necessity of extensive trial preparation. Finally, to maintain consistent oversight of a case, each Team Leader along with the assigned team of judges, will rule upon all motions, including discovery motions, presented with respect to cases assigned to their respective program.

The major goal of the Day Forward/Major Jury Program is to achieve the expeditious scheduling of trials. To this end, the Court has adopted a protocol for assigning certain cases to trial pools. A copy of this protocol is reproduced as an accompanying document. The high volume of major jury filings annually (approximately 5,000 cases) precludes the assignment of fixed trial dates to cases other than complex. As a result, all expedited and standard track cases are considered suitable for pool assignment.



**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY  
TRIAL DIVISION—CIVIL  
DAY FORWARD/MAJOR JURY PROGRAM  
CASE MANAGEMENT CONFERENCE**

---

**ADVICE TO COUNSEL**

---

1. Be sure to **fully** complete the Case Management Conference Memorandum **prior** to the Case Management Conference. **Consult clients well in advance of the conference** to obtain pertinent information to prepare the memorandum. When supplying information on injuries or damages, it is insufficient for plaintiff to state “unknown,” “to be supplied,” or “under investigation.” In stating factual positions as to liability it is insufficient to use non-descriptive terms, such as “liability certain,” “100% liability,” or “clear liability.”
2. Bring enough copies of the Case Management Conference Memorandum to supply to **all** parties at the time of the Conference, as copies may not be made at the Center. Bring an extra copy or two, if possible.
3. Be **fully** prepared to discuss issues relating to service of process, venue, pleadings, discovery, joinder of additional parties, theories of liability, damages, and applicable defenses. Parties are encouraged to discuss these issues amongst themselves prior to the conference when possible. **Participation from fully prepared and cooperative parties leads to a more productive and meaningful conference.**
4. Conduct discovery as soon as practicable, even while awaiting disposition of preliminary objections. **The presumptive Day Forward discovery deadlines are calculated from the filing date of an action, not from the date of the Case Management Conference. The Pendency of Preliminary Objections does not stay discovery.** If a formal stay is necessary, the parties should petition the Court accordingly.
5. Consider voluntarily transferring your case to the Compulsory Arbitration Program where appropriate. **The Case Managers can generate a Praeceptum to Transfer and schedule a hearing date for you.** All cases having an amount in controversy, exclusive of interest and costs, of \$50,000 and less (except cases involving title to real estate) shall be assigned to the Compulsory Arbitration Program. (See *Philadelphia County Rules*, Rule \*1301). The Day Forward Team Leaders may *sua sponte* remand matters to the Compulsory Arbitration Program accordingly. (See Pa.R.C.P. 1021 (d)).

6. Be mindful that the **Case Managers are acting on behalf of the Judicial Team Leaders** and are empowered to issue appropriate orders to enforce compliance with Day Forward Program procedures and applicable Rules of Civil Procedure. Any Rule to Show Cause entered will be returnable before the Day Forward Team Leader. (See *Philadelphia County Rules*, General Court Regulation No. 95-2).
7. After you leave the Case Management Conference Center, carefully review the entire Case Management Order. **Be sure to promptly note all deadlines on your calendaring or tickler system.** You will receive notice from the Court of actual Settlement Conference and Pre-trial Conference dates and related instructions in due course.
8. Motions for Extraordinary Relief seeking extension of deadlines must be filed **before** the expiration of the deadlines at issue.
9. Please direct questions regarding Case Management, including scheduling or rescheduling of Case Management Conferences to the Case Management Conference Center at (215) 686-3710 or through facsimile at (215) 686-3709.

*Prepared by:*

Stanley Thompson, Esq.  
Supervising Civil Case Manager

---

**TRIAL DIVISION—CIVIL  
DAY FORWARD/MAJOR JURY PROGRAMS  
AND COMMERCE PROGRAM  
COURT ADMINISTRATIVE OFFICER ASSIGNMENTS  
2005**

---

**Effective January 2, 2005**

<b>Program</b>	<b>Judicial Team Leader</b>	<b>Court Administrative Officer</b>	<b>Contact Information</b>
<b>Day Forward 2005</b>	<b>Judge Allen</b>	<b>Joseph DiRosa</b>	<b>686-3774 535 City Hall</b>
<b>Day Forward 2004</b>	<b>Judge New</b>	<b>Mary Doyle</b>	<b>686-3718 231 City Hall</b>
<b>Day Forward 2003</b>	<b>Judge Moss</b>	<b>Felicia Brown-Clark</b>	<b>686-2606 535 City Hall</b>
<b>Day Forward 2002</b>	<b>Judge Tereshko</b>	<b>Linda Kelly</b>	<b>686-9530 697 City Hall</b>
<b>Day Forward 2001 and Back</b>	<b>Judge Moss</b>	<b>Felicia Brown-Clark</b>	<b>686-2606 535 City Hall</b>
<b>Commerce</b>	<b>Judge Sheppard</b>	<b>Catherine Hart</b>	<b>686-3704 521 City Hall</b>

---

---

**2005 TRIAL DIVISION—CIVIL  
PRIORITY OF CIVIL CASES**

---

---

**I. COMPLEX CASES** (*day certain trial date; two cases per team judge listed weekly*):

1. Complex Litigation Center – Mass Tort Programs
2. Complex Day Forward/Major Jury 2002
3. Complex Day Forward/Major Jury 2003

**II. POOL CASES** (*expedited or standard cases; subject to call on next day notice*):

1. Pool Day Forward/Major Jury 2003
2. Pool Day Forward/Major Jury 2004
3. Pool Day Forward/Major Jury 2005
4. Complex Litigation Center—Major Non Jury
5. Complex Litigation Center—Arbitration Appeal

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY  
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
CIVIL TRIAL DIVISION

:  
:  
:  
:  
:

**CASE MANAGEMENT CONFERENCE MEMORANDUM**

Filing party: \_\_\_\_\_ By: \_\_\_\_\_, Esq.

Counsel's address and telephone number (**IMPORTANT**) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Part A**  
*(to be completed in personal injury cases)*

1. Date of accident or occurrence: \_\_\_\_\_  
1(a). Age of Plaintiff(s): \_\_\_\_\_
2. Most serious injuries sustained: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
3. Is there any permanent injury claimed?  Yes  No  
If yes, indicate the type of permanent injury: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
4. Dates of medical treatment: \_\_\_\_\_
5. Is medical treatment continuing?  Yes  No
6. Has there been an inpatient hospitalization?  Yes  No

***This form shall be presented to the Case Manager and copies served upon all parties at the Case Management Conference by counsel prepared to discuss its contents.***

7. Has there been any surgery?  Yes  No

If yes, indicate the type of surgery: \_\_\_\_\_

8. Approximate medical bills to date: \$ \_\_\_\_\_

Approximate medical bills recoverable in this case: \$ \_\_\_\_\_

9. Are there any existing liens (Workers Compensation, DPW, Medical, etc.)?  Yes  No

If yes, what type and approximate amount? \_\_\_\_\_

10. Time lost from work: \_\_\_\_\_

11. Approximate past lost wages: \_\_\_\_\_

12. Is there a claim for future lost earning capacity?  Yes  No

If yes, approximate future lost earning capacity: \_\_\_\_\_

13. Are there any related cases or claims pending?  Yes  No

If so, list caption(s) or other appropriate identifier: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

14. Do you anticipate joining additional parties?  Yes  No

15. Plaintiff's factual position as to liability: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

16. Defense factual position as to liability: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

17. Defense position as to causation of injuries alleged: \_\_\_\_\_

18. Identify all applicable insurance coverage:

<i>Defendant</i>	<i>Insurance Carrier</i>	<i>Coverage Limits</i>
_____	_____	_____
_____	_____	_____
_____	_____	_____

Are there issues as to the applicability of the above insurance coverage:  Yes  No

19. Demand: \$ \_\_\_\_\_ Offer: \$ \_\_\_\_\_

## Part B

*(to be completed in all cases other than personal injury)*

1. Date of contract of transaction: \_\_\_\_\_

2. Is there a writing?  Yes  No

If yes, is there an allegation that the writing does not contain the entire agreement of the parties?  Yes  No

3. Is the Uniform Commercial Code applicable to this case?  Yes  No

4. Describe the nature of the conduct alleged as giving rise to the cause of action:

---

---

---

---

---

5. State the amount of damages claimed by Plaintiff:

(a) Direct \_\_\_\_\_

(b) Consequential \_\_\_\_\_

(c) Other (specify) \_\_\_\_\_

6. Defense position as to alleged nature of conduct giving rise to cause of action and any counterclaim:

---

---

---

7. If there is a counterclaim, state the amount of damages sought:

(a) Direct \_\_\_\_\_

(b) Consequential \_\_\_\_\_

(c) Other (specify) \_\_\_\_\_

8. Identify all applicable insurance coverage:

<i>Defendant</i>	<i>Insurance Carrier</i>	<i>Coverage Limits</i>
_____	_____	_____
_____	_____	_____

9. Demand: \$ \_\_\_\_\_ Offer: \$ \_\_\_\_\_

**DAY FORWARD/MAJOR JURY PROGRAM  
TIME STANDARDS BY TRACK**

<b>CASE EVENT</b>	<b>EXPEDITED</b>	<b>STANDARD</b>	<b>COMPLEX</b>
Case Management Conference	90 days	90 days	90 days
Discovery Complete	9 months	15 months	19 months
Plaintiff Expert Reports	9 months	15 months	20 months
Defendant Expert Reports	10 months	16 months	21 months
Motions Filed	10 months	16 months	21 months
Settlement Conference	10 months	16 months	22 months
Pretrial Memorandum	11 ½ months	17 ½ months	23 ½ months
Pretrial Conference	12 months	18 months	24 months
Trial	13 months	19 months	25 months

---

**Section 3**

---

# **Dispute Resolution Center**

**DISPUTE RESOLUTION CENTER  
ROOM 691 CITY HALL**

The Dispute Resolution Center of the Court of Common Pleas provides a centralized location for mandatory settlement conferences. In so doing, it encourages uniform procedures for these conferences while offering litigants comfortable modernized facilities for the disposition of civil cases within historic City Hall. Frank E. Checkovage is the Director of the Dispute Resolution Center, which is located on the Sixth Floor of City Hall, in Room 691. The Center operates Monday through Friday from 8:00 a.m. to 5:00 p.m.

**MANDATORY SETTLEMENT CONFERENCE**

Mandatory Settlement Conferences are conducted in every major jury case. The conferences are presided over by a *Judge Pro Tempore* and are scheduled in accordance with the Case Management Order that is issued in all cases approximately ninety (90) days after commencement of suit. The court provides notice to all counsel of record and unrepresented parties approximately thirty (30) days before the scheduled conference advising them of the date, time, and place of their settlement conference. This information may also be obtained from the first page of the civil docket.

**PRESIDING OFFICER**

*Judges Pro Tempore* (Judge(s) Pro Tem) are recruited from the Bar to preside over the settlement conferences. Judge Arnold L. New is frequently available to participate in the conference, if necessary and appropriate.

In preparation for the conference, the Judge Pro Tem reviews the case file in order to effectively discuss all issues with the parties. In the event a case does not settle at the conference, the Judge Pro Tem is available by telephone or for follow-up conferences and/or to assist the parties as requested. However, these follow-up conferences and calls will not delay the court's schedule for this case. At the conclusion of each settlement conference, the Judge Pro Tem must complete a settlement conference report. The report should include the range settlement value of the case and references to salient issues. This report is provided to the Judicial Team Leader along with the case file in preparation for the next scheduled event, the final Pretrial Conference.

**RESPONSIBILITIES OF COUNSEL AND PARTIES**

Counsel and unrepresented parties must file a settlement memorandum at least ten (10) days before the conference, appear at the settlement conference, on time and with settlement authority from their clients. The parties and claim representatives are not required to appear with counsel, but must be available by telephone during the conference. Failure of counsel to file a memorandum, appear, and/or failure of a party or claim representative to be available by telephone during the conference may result in the issuance of a Rule to Show Cause before the appropriate Judicial Team Leader. Should

the case settle before or after the conference, counsel shall notify the court immediately in writing.

# **Complex Litigation Center**

**COMPLEX LITIGATION CENTER  
ROOM 622 CITY HALL**

The Complex Litigation Center was the first courthouse in the United States designed exclusively for complex, multi-filed Mass Tort cases when it opened on February 10, 1992.<sup>1</sup> As of February, 2002, it has been relocated to 622 City Hall. The Honorable Norman Ackerman coordinates the administration of all Complex Litigation Center programs and is assisted by Mary McGovern, Director, whose telephone numbers are (215) 686-5100 (voice) and 686-5137 (fax).

The Mast Tort calendar includes Asbestos, Latex Glove, Breast Implant, Phen-Fen, Phenylpropanolamine (PPA), Baycol, Silica, Lotronex, Hormone Therapy, Beryllium, Lymex, Paxil and Vioxx.. Other calendars administered at the Center include the Major Non-Jury Docket, Appeals from Arbitration, and Drug Forfeiture/Return of Property (Jury).

**PRACTICE AND PROCEDURES**

**Mass Tort Programs**

A Mass Tort action is commenced in the same manner as other civil actions. Every Complaint must have the Mass Tort type prominently displayed on the Complaint, e.g. Asbestos, Baycol, et cetera, to ensure assignment to the appropriate program.

In every Mass Tort program, there are regular monthly or bi-monthly meetings of counsel, the Coordinating Judge, and the Manager. These meetings are mandatory and are designed to encourage participation by the Bar in creating case management procedures tailored to each program. Liaison Counsel are selected by the Bar for each program.

**Case Management Orders**

Case Management Orders are issued in every Mass Tort Program. The orders are created cooperatively by the Coordinating Judge and counsel. Case Management Orders designate when and how actions can be filed, motion and discovery procedures, names of liaison counsel and trial schedules. Case Management Orders may be obtained from the Complex Litigation Center by contacting Mary McGovern at the Center or from Liaison Counsel.

---

<sup>1</sup>Commentators analyzing the explosion of mass tort litigation in the 1980's observed that "[r]eflecting the special treatment courts accord mass claims, at least one trial court (the Philadelphia Court of Common Pleas) has formally established a "mass torts" calendar, administered by a special cadre of judges operating out of a specially equipped facility." Hessler & Peterson, "Symposium: Reinventing Civil Litigation: Evaluating Proposals for change: Understanding Mass Personal Injury Litigation: A Socio-Legal Analysis," 59 Brooklyn Law Review, 961, 964 n.16 (1993) (emphasis added).

**Standardized Procedures**

Standardized Procedures have been created for all Mass Tort programs as a result of Bench/Bar collaboration and cooperation with respect to pleadings, discovery, depositions and document depositories. Questions regarding standardized procedures may be directed to liaison counsel in each program and/or Mary McGovern, Director, 215-686-5100.

**Motions**

All Mass Tort motions are assigned to The Honorable Norman Ackerman, Coordinating Judge, for disposition. The Motion Procedures are attached hereto.

**Mass Tort Trial List**

Mass Tort cases with a trial date are published in The Legal Intelligencer for a four week period prior to trial under the above heading.

**Asbestos Phen-Fen and Baycol Trial Lists**

These trial lists appear in The Legal Intelligencer every Monday. The list follows the case flow system created through the cooperative efforts of the Coordinating Judge and counsel. Plaintiffs counsel group cases pursuant to a list provided by the Coordinating Judge. Defense counsel may review the groups and raise objections. The court coordinates the trial groupings and creates the Monthly Trial Lists.

**Major Non-Jury Program**

All Major Non-Jury cases are listed in chronological order and are scheduled for a Status/Trial Scheduling Conference every Monday at 2:00 P.M. in Courtroom 696, City Hall, Philadelphia, Pennsylvania. The conference is scheduled approximately 90 days after commencement. Non-Jury cases are on a 10-12 month track, with a discovery deadline 8 months from commencement. Cases are listed weekly and each case is assigned a trial date as well as a mandatory settlement conference date. A Pre-Trial Order is issued in all non-personal injury cases and a Settlement Conference Memorandum is issued in all personal injury cases. Failure to comply with the terms and conditions set forth in the Order and Memorandum will result in the imposition of appropriate sanctions. Notice of the aforesaid conference is published in *The Legal Intelligencer* beginning on Tuesday and ending on Monday, the day of the conference, as well as by U.S. Mail to all parties. All counsel are required to notify opposing counsel as well as *pro se* litigants of the conference in writing via facsimile or regular mail. No continuances are granted. However, if trial counsel is unavailable, a representative may appear, but must be familiar with the procedural history of the case as well as counsel's trial schedule. Failure to appear results in the scheduling of a Rule Returnable Hearing at which time appropriate sanctions are imposed by the Coordinating Judge.

**Drug Forfeiture/Return of Property (Jury Trials)**

All Drug Forfeiture/Return of Property cases wherein a jury has been perfected are assigned to the Complex Litigation Center. In order to perfect a jury, counsel must obtain a certified copy of an Order executed by the presiding Criminal Section Judge transferring the case to the Civil Section for trial. Counsel must present this certified copy of the Order to the Office of the Prothonotary, First Filing Unit, Room 280, City Hall. The action will then be given a civil court term and number. A Notice of Status/Trial Scheduling Conference will be forwarded to the litigants scheduling the conference approximately 30 days after the month of transfer.

All counsel and non-represented parties must appear at the conference. No continuances will be granted. At the conference, a date for trial in a designated "Pool Month" and a Pre-Trial Conference date shall be assigned, attaching all parties for trial. All parties will be given a Case Management Order, designed specifically to the assigned Trial Pool Month, as well as a Pre-Trial Settlement Conference Memorandum, which must be completed and presented at the Conference. Requests, for good cause only, to extend deadlines set forth in the Case Management Order must be made by filing a Motion for Extraordinary Relief. Failure to appear at the Status/Trial Scheduling Conference or the Pre-Trial Settlement Conference will result in the scheduling of a Rule Returnable Hearing at which time appropriate sanctions will be imposed by the Coordinating Judge.

**Trial Pool Procedures**

Cases will be assigned for trial on a "next day minimum" basis. Counsel shall be trial ready for the duration of the monthly pool.

**Continuances**

Requests for continuances may be submitted under exigent circumstances only. These requests must be made in writing, with a copy to opposing party, and directed to the Honorable Norman Ackerman, Coordinating Judge, Attention Mary McGovern, via facsimile (215) 686-5137.

**Motion Practice**

The Motion procedures are consistent with those set forth in the Pennsylvania Rules of Civil Procedure and the Philadelphia Local Rules. Counsel is instructed **not** to forward "courtesy copies" of motions as they are neither accepted nor reviewed by the Coordinating Judge.

**Complex Litigation Center Trial Lists.**

All cases to be tried at the Complex Litigation Center, other than Mass Tort cases, are listed for trial by trial date on lists published in *The Legal Intelligencer* for a four week period. Cases are not tried in numerical order because every case listed will be assigned on its trial date. Therefore, all trials commence immediately. Non-jury and jury cases are tried in a "piggy-back" fashion: while a jury is being selected, the Trial Judge presides

over a Non-Jury case. Thus, two courtrooms operate simultaneously resulting in judicial efficiency and economy.

**Jury Selection**

Jury selection is conducted at the Complex Litigation Center pursuant to the direction of the Coordinating Judge.

**Applications for Continuance**

All applications for continuance in any program assigned to the Complex Litigation Center must be directed to the Coordinating Judge, attention Mary McGovern, and must be submitted in writing. The request must contain a sound reason, such as a medical or family emergency.

**REVISED MASS TORT MOTION PROCEDURES**

The following are the Mass Tort Procedures as revised on January 24, 2005. All prior Motion procedures are to be considered obsolete.

1. Motions should be in letter-brief rather than motion package format. The caption must specify the type of litigation and name of opposing counsel. **THE FILING AND RESPONSE DATES MUST BE PROMINENTLY STATED ON THE FIRST PAGE OF THE MOTION.** Facts, issues and pertinent case law should be briefly outlined. Each motion must include a proposed order, self-addressed stamped envelope, and signed Attorney Certification of Good Faith.
2. The Attorney Certification of Good Faith shall attest that certifying counsel has spoken with opposing counsel in an effort to resolve the specific dispute at issue, and that despite counsel's good faith efforts, has been unable to resolve same.
3. Motions must be presented for filing in the following order: first, to the Civil Motions Clerk, Room 296 City Hall, for time-stamping and assignment of a Control Number; then to the Cashier for payment, Room 282, City Hall. Thereafter, motions are to be re-submitted to the Civil Motions Clerk, Room 296, City Hall, where each motion will be processed and assigned accordingly.
4. Motions must be filed by 4:30 P.M. on Monday or they will be deemed filed the following Monday. The opponent must receive a copy that same day by facsimile or hand delivery. **THE- SERVED COPY MUST HAVE THE CONTROL NUMBER CLEARLY DISPLAYED ON THE MOTION.**
5. If the Motion is opposed, the opponent must respond in the format stated in Paragraph 1 by the following Monday at 4:30 P.M., or as provided in the Case Management Order. The response must be filed with the Civil Motions Clerk, Room 296, City Hall. **THE ANSWER MUST CLEARLY DISPLAY THE CONTROL NUMBER ON THE FIRST PAGE AT THE TIME OF FILING.** There is no fee when filing a response. The movant and all other parties must receive a copy that same day by facsimile or hand delivery.
6. If the Motion is unopposed, or withdrawn, a letter stating the same must be forwarded to the Civil Motions Program, Room 296, City Hall. **THE LETTER MUST HAVE THE CONTROL NUMBER PROMINENTLY DISPLAYED.** The movant and all interested parties must receive a copy that same day by facsimile or hand delivery.
7. The Court will docket the original signed order and mail a copy of the signed order to the moving party via the self-addressed stamped envelope. The moving party is responsible for serving all other parties with a copy of the order.
8. Oral argument on Motions will be scheduled by the Court if needed.
9. A brief call of the Asbestos List will be conducted every Monday at 9:30 A.M. at which time stipulations may be presented to the Court. Each stipulation must contain a self-addressed stamped envelope; a copy of the signed stipulation will be forwarded to counsel via this envelope, who is then charged with distributing copies to all other counsel.
10. Failure to comply with the above will result in the rejection of said filing.

---

**Section 5**

---

# **Arbitration Appeal Program**

**ARBITRATION APPEAL PROGRAM  
COMPLEX LITIGATION CENTER  
ROOM 622 CITY HALL**

The Arbitration Appeal Program is administered at the Complex Litigation Center, 622 City Hall, Philadelphia, under the direction of Coordinating Judge, The Honorable Norman Ackerman. Questions concerning this program may be addressed to Mary McGovern, Director, Complex Litigation Center, at (215) 686-5100 (voice) or (215) 686-5137 (facsimile).

All Appeals from Arbitration are scheduled for a Mandatory Status/Trial Scheduling Conference at the time the appeal is filed with the Prothonotary. The date, time and location of the conference is stamped on the Notice of the Appeal and forwarded by U.S. Mail to all parties designating a conference approximately 30 days following the filing of an appeal.

All counsel and non-represented parties must appear at the conference. All counsel are directed to communicate with each other and all non-represented parties to advise them of the conference by forwarding a notice of the conference via facsimile or U. S. Mail. At the conference, a date for trial in a designated "Pool Month" and a Pre-Trial Settlement Conference date shall be assigned, attaching all parties for trial. All parties will be given a Pre-Trial Settlement Conference Memorandum, which must be completed and presented at the Pre-Trial Conference. In addition, all parties are served with a Case Management Order tailored specifically to the designated Pool Month assigned at the conference. Requests, for good cause only, to extend the deadlines set forth in the Case Management Order must be made via the filing of a Motion for Extraordinary Relief. No continuances will be granted. However, if trial counsel is unavailable, a representative, with knowledge of the case and settlement authority, may attend. Failure to appear for the Pre-Trial Settlement Conference or trial will result in the scheduling of a Rule Returnable Hearing at which time appropriate sanctions will be imposed by the Coordinating Judge.

**TRIAL POOL PROCEDURES**

**Notice**

Cases will be assigned for trial on a "next day minimum" basis. Counsel shall be trial ready for the duration of the monthly pool.

**Publication**

The trial pool list will not be published.

**Continuances**

Requests for continuances may be submitted under exigent circumstances only. These requests must be made in writing, with a copy to opposing party, and directed to The Honorable Norman Ackerman, Coordinating Judge, Attention Mary McGovern, via facsimile (215) 686-5137.

**Motion Practice**

The Motion procedures are consistent with those set forth in the Pennsylvania Rules of Civil Procedure and the Philadelphia Local Rules.



**IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY  
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
TRIAL DIVISION—CIVIL**

***Arbitration Appeal Program  
Case Management Order***

*Pursuant to Administrative Docket 08 of 1998, an Appeal from the Report and Award of Arbitrators having been filed in the above-captioned matter and a Status Hearing having been scheduled, the following Case Management Order is entered:*

1. ***Attachment:*** All counsel and parties are hereby attached for the \_\_\_\_\_ **TRIAL POOL. All parties and/or counsel are ordered to appear at a Mandatory Pre-Trial Settlement Conference on \_\_\_\_\_ at \_\_\_\_\_ o'clock in Room 622, City Hall and bring with them a completed Settlement Conference Memorandum which was presented at the Status/Trial Scheduling Conference.**
2. ***Discovery Deadline:*** All discovery shall be completed no later than \_\_\_\_\_.
3. ***Expert Deadline:*** Plaintiff's expert report (if applicable), including any supplemental report, is to be served on opposing counsel and/or opposing party on or before \_\_\_\_\_. Defendant's expert report is to be served on opposing counsel and/or opposing party on or before \_\_\_\_\_.
4. ***Dispositive Motions:*** All dispositive motions must be filed no later than \_\_\_\_\_.
5. ***Motions in Limine:*** All Motions in Limine must be filed no later than \_\_\_\_\_. All responses must be filed no later than \_\_\_\_\_.
6. ***Witnesses & Exhibits:*** A list of Plaintiff's witnesses and exhibits shall be served on opposing counsel/party on or before \_\_\_\_\_. A list of Defendant's witnesses and exhibits shall be served on opposing counsel/party on or before \_\_\_\_\_.
7. ***Extensions:*** Requests to extend any case management deadline must be submitted by filing a Motion for Extraordinary Relief and filed prior to the expiration of the deadline in question.
8. ***Continuances:*** All requests for continuances must be submitted in writing, with a copy to opposing party, and directed to the Honorable Norman Ackerman, Coordinating Judge, attention: Mary McGovern, via facsimile (215-686-5137) or U.S. Mail (622 City Hall, Philadelphia PA 19107). However, said request may be made only under exigent circumstances.
9. ***Jury Charge:*** an agreed upon Jury Charge and an agreed upon Jury Verdict Sheet must be presented to the trial judge at the time of jury selection.

***By the Court:***

\_\_\_\_\_  
**NORMAN ACKERMAN**  
***Coordinating Judge***

---

**Section 6**

---

# **Compulsory Arbitration Program**

**COMPULSORY ARBITRATION CENTER  
1880 JFK BOULEVARD, 5<sup>TH</sup> FLOOR**

All civil actions filed in the Court of Common Pleas of Philadelphia County with an amount in controversy of \$50,000 or less, excluding equitable actions and claims to real estate, must first proceed to a compulsory arbitration hearing before a panel of three attorneys who have been court certified to serve as arbitrators.

With more than 20,000 cases a year concluded at the arbitration level, the Compulsory Arbitration Program in Philadelphia County is one of the most successful programs of its kind in the nation. The current Director of the Arbitration Center is Joseph L. Hassett, Esquire. The Director is responsible for overseeing the day to day operations of the Center and is available to provide procedural and legal support to our arbitration panels, if necessary. In addition, the Director is charged with the critical function of ruling on continuance and rescheduling applications.

*Please note that all continuance requests are strictly governed by Phila. Civ. R. \*1303(c). Moreover, emergency continuance applications will only be granted when the basis for the request could not have been previously anticipated.*

It is strongly advised that all counsel who practice at the Arbitration Center become thoroughly familiar with our arbitration practice and procedure so that the arbitration process will run smoothly. **Special attention should be given to Administrative Order No. 2005-02, which has become effective June 6, 2005. This Administrative Order establishes Standard Interrogatories and Production of Document Requests in certain Arbitration cases, which is briefly discussed in this section.**

**ARBITRATION PROCEDURE**

Compulsory Arbitration in the First Judicial District is controlled by the arbitration rules of the Pennsylvania Rules of Civil Procedure<sup>1</sup> and the Philadelphia Civil Rules.<sup>2</sup> Except as provided in those rules, the normal procedural and evidentiary rules control.

---

<sup>1</sup> Pa.R.C.P. 1301-1314.

<sup>2</sup> See Philadelphia Civil Rules \*1301–\*1305 and \*1308. These Arbitration Rules in Philadelphia County were substantially revised in 1995, effective July 17, 1995, and in July 1998, effective January 1, 1999.

**Commencing Litigation in Compulsory Arbitration**

When a case is initially filed as an arbitration matter, the date and time for the arbitration hearing are assigned by the Prothonotary at the time of filing of the complaint or writ of summons,<sup>3</sup> with hearing dates listed approximately eight (8) months thereafter. The initial filing in arbitration must include a three-inch space on the cover page, for the Prothonotary stamp which lists the date of the arbitration hearing. The cover sheet must also include, in upper case letters, in the upper, right-hand corner, the phrase, "This is an Arbitration Case" and a notation of whether or not an "Assessment of Damages is/is not required."<sup>4</sup>

Actions filed to preserve the subrogation rights of an uninsured motorist insurance carrier can be placed in deferred status, with no hearing date scheduled. The writ of summons or civil action complaint should include the notation "Uninsured Motorist Savings Action" or "Deferred" on the cover page, immediately below the request for arbitration. The case will then be placed in deferred status and no actual hearing date will be scheduled.<sup>5</sup>

As of January 1, 1999, the Prothonotary in Philadelphia will also stamp the initial summons or complaint with the following language:

"This matter will be heard by a board of arbitrators at the time, date, and place specified but, if one or more parties is not present at the hearing, the matter may be heard at the same time and date before a judge of the court without the absent party or parties. There is no right to a trial de novo from a decision entered by a judge." Philadelphia Civil Rule \*1303(a)(1), as amended November 19, 1998, effective January 1, 1999.

This procedure was adopted in response to the amendment of Pennsylvania Rule of Civil Procedure 1303 on July 30, 1998, effective January 1, 1999. The explanatory comments<sup>6</sup> to this amendment outline the rationale for its elimination of the right to a trial de novo on appeal from a decision entered by a judge where the parties were so advised in their notice of hearing. The comments also suggest the options available to parties seeking relief from a decision entered by a judge.

---

<sup>3</sup> Philadelphia Civil Rule \*1303(a).

<sup>4</sup> Philadelphia Civil Rule \*1303(a).

<sup>5</sup> Philadelphia Civil Rule \*1303(b)(1)(i).

<sup>6</sup> The explanatory comments were prepared by the Civil Procedural Rules Committee.

### **Municipal Court Money Judgment Appeals**

Effective January 2, 2002, Municipal Court cases involving Money Judgments which are appealed to the Court of Common Pleas must, thereafter, proceed to a Compulsory Arbitration Hearing.<sup>7</sup> Notice of the hearing will be sent by the court in accordance with a Standing Case Management Order to be entered at the time of filing the appeal.

In addition, regardless of the party filing the appeal, plaintiff must file and serve a complaint upon defendant(s) pursuant to the Standing Case Management Order and the Pennsylvania Rules of Civil Procedure.

### **Service of Process**

Plaintiff must make a diligent effort to effectuate service of the complaint on the defendant. If initial service is unsuccessful, counsel must immediately begin a good faith search for the defendant and attempt a second actual service on any new address obtained. Thereafter, a Petition for Alternative Service<sup>8</sup> can be filed, demonstrating counsel's diligent efforts to obtain service on the defendant and requesting permission for alternative service. Before substituted service will be permitted, the plaintiff must have demonstrated "a good faith effort to locate the defendant through more direct means."<sup>9</sup> An application for a continuance due to service not being effected upon defendants must include facts establishing the plaintiff's contention that due diligence has been exercised, which shall include the dates of attempted service, a statement that substituted service could not have been obtained prior to the arbitration hearing date, and a certification that a Petition for Alternative Service has been filed.<sup>10</sup>

If service is not effectuated on the defendant prior to the scheduled arbitration hearing date, and no continuance has been obtained in accordance with Philadelphia Civil Rule \*1303(c)(5)(i), an Award will be entered in favor of the defendant provided plaintiff is present at the scheduled arbitration hearing. Otherwise a non pros may be entered pursuant to Pennsylvania Rule of Civil Procedure 1303.<sup>11</sup>

---

<sup>7</sup> Order of Honorable John W. Herron, Administrative Docket No. 2001-12.

<sup>8</sup> Pa.R.C.P. 430.

<sup>9</sup> Romeo v. Looks, 369 Pa. Super. 608, 535 A.2d 1101, 1106 (1987).

<sup>10</sup> Philadelphia Civil Rule \*1303(c)(5)(i), as amended 1995.

<sup>11</sup> Philadelphia Civil Rule \*1303(j), as amended 1996, effective January 13, 1997, and Philadelphia Civil Rule \*1303(a)(1) as amended November 19, 1998, effective January 1, 1999.

## **Discovery**

All of the discovery tools allowed under the Pennsylvania Rules of Civil Procedure are also available for arbitration cases. Counsel can utilize interrogatories, requests for production, requests for admissions, and depositions, as appropriate, for any case in arbitration.

Counsel must follow the discovery motion procedure outlined in Philadelphia Civil Rule \*206.2. In addition, the moving party must obtain court approval to file a motion if it is within 45 days of the scheduled arbitration hearing.<sup>12</sup>

Effective June 6, 2005, pursuant to Administrative Order No. 2005-02, there will be “standard” discovery in motor vehicle liability and premises liability cases assigned to the Compulsory Arbitration Program, as follows. A copy of Administrative Order No. 2005-02 is included at the end of this section.

**a) The following “standard” interrogatories are adopted by the court:**

- i) Plaintiff’s Interrogatories Addressed to Defendant—Motor Vehicle Liability, Exhibit “A” (see First Judicial District website at <http://courts.phila.gov>).
- ii) Defendant’s Interrogatories Addressed to Plaintiff—Motor Vehicle Liability, Exhibit “B” (see First Judicial District website at <http://courts.phila.gov>).
- iii) Plaintiff’s Interrogatories Addressed to Defendant—Premises Liability, Exhibit “C” (see First Judicial District website at <http://courts.phila.gov>).
- iv) Defendant’s Interrogatories Addressed to Plaintiff—Premises Liability, Exhibit “D” (see First Judicial District website at <http://courts.phila.gov>).

**b) The following requests for production of documents are adopted by the court:**

- i) Plaintiff’s Request for Production of Documents, Exhibit “E” (see First Judicial District website at <http://courts.phila.gov>).
- ii) Defendant’s Request for Production of Documents, Exhibit “F” (see First Judicial District website at <http://courts.phila.gov>).

**c) Objections.** The court will not entertain objections to the standard interrogatories or document requests. Parties who serve objections may be subject to appropriate sanctions, including imposition of counsel fees.

---

<sup>12</sup> Philadelphia Civil Rule \*1303(h). Court approval is obtained by filing a Miscellaneous Arbitration Application form, accompanied by a copy of the motion or petition along with stamped envelopes addressed to all counsel and unrepresented parties.

**d) Service of standard interrogatories and requests for production of documents.**

At any time after the filing of an answer to the complaint, a party may request any other party to answer standard interrogatories and/or respond to standard document requests by serving on all other parties a notice to answer or respond to standard written discovery, substantially in the form of Exhibit “G” (see First Judicial District website at <http://courts.phila.gov>). Answers and responses shall be provided to all parties within 30 days of the service of the notice, but shall not be filed with the court or Prothonotary unless relevant to a motion or other pretrial proceeding, ordered by the court, or required by statute. Once the notice is served on any party, all other parties, including the parties serving the notice, shall answer the standard interrogatories applicable to them within 30 days of the service of the original notice. Only the standard interrogatories and document requests approved in the order shall be served and answered by the parties, except as provided in paragraph (f) below.

e) A copy of the standard interrogatories or document requests need not be attached to the notice served on attorneys, but must be provided to unrepresented parties. Copies of the above documents may be obtained on the court’s Website at <http://courts.phila.gov>.

**f) Additional Written Discovery**

**i) General Rule.** No additional interrogatories or document requests will be permitted as to motor vehicle and premises liability cases filed in the Compulsory Arbitration Program unless the answering or responding party agrees, or as further provided under Administrative Order 2005-02.

**ii) Limited Supplementation.** Any party may serve up to five additional interrogatories or document requests that are specifically tailored to the case and are not duplicative of the standard interrogatories or document requests. Each subpart shall be considered a separate interrogatory or request for purposes of this limitation.

**iii) Arbitration Appeals.** Any party may serve up to 10 additional interrogatories within 30 days of the filing of an appeal from an arbitration award. Each subpart shall be considered a separate interrogatory for purposes of this limitation.

**iv) Leave of Court.** Upon receipt of answers to standard interrogatories or responses to standard document requests, any party may file an appropriate discovery motion under Phila.Civ.R. \*208.3, seeking leave of court to serve additional interrogatories or document requests. The moving party must allege and show good cause why the additional standard interrogatories or document requests are reasonably necessary to prepare its case for trial.

**g) Dead Man’s Rule.** In the event that any party wishes to invoke the Dead Man’s Rule, that party shall notify the opposing party, in writing, of its intention to invoke the rule, within 20 days of the time the notice to answer or respond to standard written discovery was served. In such a case, the party who is invoking the Dead Man’s Rule

shall have no obligation to answer the standard interrogatories or produce the documents requested, until otherwise ordered by the court.

**h) Effective Date.** The administrative order becomes effective on May 2, 2005.

**Pre-Hearing Procedure and Continuances**

The Philadelphia Arbitration Center is run on a day to day basis by the Director of the Arbitration Program. All requests for continuances, rescheduling or other relief must be submitted on the designated form, a **Continuance Arbitration Application**. A copy of the application **must** be mailed, delivered, or faxed to opposing counsel and unrepresented parties contemporaneously with its filing with the Arbitration Center, and delivered to the other parties in the same manner as the original filing.<sup>13</sup> All continuance applications must include stamped envelopes pre-addressed to all counsel or unrepresented parties.<sup>14</sup> The Director of the Arbitration Program shall rule on the request for continuance. Oral argument is not authorized and the ruling is not subject to judicial review.<sup>15</sup> Counsel are cautioned not to call or write the Arbitration Center for status of the application, or to request ‘reconsideration’ in the event the Continuance Application is denied.’<sup>16</sup>

Counsel are forewarned that there is no automatic right to obtain a continuance of an arbitration even if all counsel agree. Philadelphia Civil Rule \*1303(c) must be followed by attorneys requesting a continuance and the guidelines in this rule must be followed.<sup>17</sup> In general, there is a strict rule against continuances.

It should be noted, however, that the local rules do provide for a right to advance an arbitration date, on agreement of all parties.<sup>18</sup> As the explanatory note to Philadelphia Civil Rule 1303(d) notes, “a conflict with a scheduled Arbitration Hearing date may be resolved by agreeing to an earlier Arbitration Hearing.”<sup>19</sup> Further, since January 25, 1996, an arbitration hearing may be rescheduled by agreement of all parties, to a new date within two weeks of the original scheduled date.<sup>20</sup> A hearing can be rescheduled

---

<sup>13</sup> Philadelphia Civil Rule \*1303(c)(3).

<sup>14</sup> Philadelphia Civil Rule \*1303(c)(2).

<sup>15</sup> Philadelphia Civil Rule \*1303(c)(3).

<sup>16</sup> Explanatory Note to Philadelphia Civil Rule \*1303(c)(3).

<sup>17</sup> Philadelphia Civil Rule \*1303(c).

<sup>18</sup> Philadelphia Civil Rule \*1303(c)(7) and (d).

<sup>19</sup> Philadelphia Civil Rule \*1303(d).

<sup>20</sup> Philadelphia Civil Rule \*1303(c)(7).

only one time and all counsel and unrepresented parties must agree on a specific date and sign the Compulsory Arbitration One-Time-Only Rescheduling Agreement.

### **Consolidation**

Generally, if two arbitration cases are consolidated prior to the hearing date of either, the actions shall be heard on the date assigned to the last-filed consolidated case.<sup>21</sup> Cases cannot be consolidated by stipulation and Motions for Consolidations must be formally presented.<sup>22</sup> If a Motion for Consolidation is filed within 45 days of the arbitration hearing date, counsel must obtain consent of the court for filing the motion by also filing a Miscellaneous Arbitration Application.

### **Settlement**

Immediate written notification of settlement of an arbitration case should be sent to the Director of the Arbitration Program.<sup>23</sup> When a case is settled just prior to a hearing, prompt notice is still required. This is important so that the Arbitration Center can plan properly and schedule an appropriate number of arbitrators for the center for each day of its operation. If there is not time to send notification by mail, please fax a letter to the Arbitration Center at 215-686-9594, informing them of the settlement of any case listed for a hearing.

## **THE ARBITRATION HEARING**

### **The Arbitration Center**

All Compulsory Arbitration hearings are held in the Court of Common Pleas Arbitration Center, located on the 5<sup>th</sup> Floor at 1880 JFK Blvd., Philadelphia PA. Counsel, clients, and, witnesses should be present in the Assembly Room prior to the assigned time for the hearing.

On arrival at the Arbitration Center, counsel should check in with the clerk at the front of the room. Have the Court Term and Number (case identification number) of the case ready to speed the process along for all concerned.

After all parties are present, a case is placed in ready status for a hearing. Cases that are ready will be assigned out by name to available arbitration panels in the sequence that they were ready.

---

<sup>21</sup> Philadelphia Civil Rule \*1303(e).

<sup>22</sup> Order of Honorable John W. Herron, Administrative Docket No. 1996-03.

<sup>23</sup> Philadelphia Civil Rule \*1303(i).

### **Assignment to a Hearing Room**

There are usually eight to twelve panels of arbitrators sitting simultaneously in the various hearing rooms available at the Arbitration Center. As cases are ready and hearing rooms are available, the cases will be assigned to a hearing room for disposition in the order that they were marked ready. One of the attorneys will be asked to carry the court file to the Chairperson of the panel in the assigned room. When a panel of arbitrators concludes a case, notification is given to the clerk in the Assembly Room and another ready case is then assigned to that panel.

Arbitration panels consist of three attorneys engaged in the active practice of law, with principal offices in Philadelphia.<sup>24</sup> Arbitrators must have a least one year (five years for the chairperson) of legal experience in Pennsylvania, and must have attended a court-approved arbitration training seminar.<sup>25</sup>

Arbitrators should identify themselves and the firms with whom they are employed on a board in the hearing room. If there is a potential ground for disqualification of a panel member from hearing that case, counsel should point this out to other counsel and the arbitration panel. Any arbitrator who would be disqualified for any reason that would disqualify a judge under the Code of Judicial Conduct has an obligation to withdraw as an arbitrator.<sup>26</sup>

After delivery of the court file to the Chairperson of the panel in the assigned hearing room, the arbitrators will begin to review the pleadings. Each counsel/unrepresented party should write his or her name and address on one of the envelopes provided in each hearing room. These envelopes will be used to mail the decision of the arbitrators to the counsel/unrepresented party.

The Chairperson of the arbitration panel will administer the oath or affirmation to all witnesses.<sup>27</sup> Any party may elect to have a stenographic record made of the hearing at that party's expense, with any other party being given an opportunity to obtain a copy on payment of a proportionate share of the total cost.<sup>28</sup> The hearing itself should be conducted as a non-jury trial, in conformity with Rule 1038(a) of the Rules of Civil Procedure, except as otherwise provided in the arbitration rules.<sup>29</sup>

---

<sup>24</sup> Philadelphia Civil Rule \*1302(b).

<sup>25</sup> Philadelphia Civil Rule \*1302(b). The court-approved seminar is run by the Philadelphia Bar Education Center.

<sup>26</sup> Pa. R.C.P. 1302.

<sup>27</sup> Pa. R.C.P. 1304(b).

<sup>28</sup> Pa. R.C.P. 1304(c).

<sup>29</sup> Pa. R.C.P. 1304(a).

**Failure to Appear at Arbitration**

Under recent amendments to the Pennsylvania Rules of Civil Procedure, the court, with the consent of the parties present, may take action not available to the arbitrators if a party fails to appear for an arbitration hearing and the Complaint, Writ of Summons, or Scheduling Notice contains the following statement:

“This matter will be heard by a Board of Arbitrators at the time, date, and place specified, but if one or more of the parties is not present at the hearing, the matter may be heard at the same time and date before a judge of the Court without the absent party or parties. There is no right to a trial de novo or appeal from a decision entered by a judge.”<sup>30</sup>

Specifically, the court may take action not available to the arbitrators, including entry of a nonsuit if the plaintiff is not ready, or a non pros if neither party is ready. If the defendant is not ready, the court may hear the matter and enter a decision.<sup>31</sup>

Under the current procedure, the Arbitration Center shall certify for the record when a party fails to appear and immediately assign the case for a non jury trial at the Complex Litigation Center to be held the same day. If all parties fail to appear, the Arbitration Center will certify for the record that all parties failed to appear and the appropriate disposition will thereafter be entered by the Motions Program Judge.<sup>32</sup>

Relief from the decision of the court will be by motion for post trial relief following the entry of a nonsuit or assessment, or by Petition to Open a Judgment of Non Pros.<sup>33</sup>

**Conduct of Hearing**

- (i) **Opening Statements**—Each counsel has the right to present an opening statement, but they should be brief, to the point, and non-argumentative.
- (ii) **Witnesses**—Each party has the right to present whatever witnesses are necessary to prove the elements of the claim or defense. With the exception of specific

---

<sup>30</sup> See Pa.R.C.P. 1303, amended July 30, 1998, effective January 1, 1999, and Phila. Civil. R. \*1303, amended November 19, 1998, effective January 1, 1999.

<sup>31</sup> If all parties present do not consent to being heard by a judge, the case will be assigned to an arbitration panel for disposition.

<sup>32</sup> Pa.R.C.P. 1303 notes that a party is present if the party or an attorney who has entered an appearance on behalf of the party attends the hearing.

<sup>33</sup> See explanatory notes following Pa.R.C.P. 1303.

arbitration rules on documentary evidence,<sup>34</sup> the rules of evidence shall be followed in all compulsory arbitration hearings.<sup>35</sup> All evidentiary rulings are made by the arbitration panel<sup>36</sup> with such rulings by majority decision.<sup>37</sup> The local rule in Philadelphia provides that the established rules of evidence shall be “liberally construed to promote justice.”<sup>38</sup>

- (iii) **Documentary Evidence**—The most significant procedural rule is the relaxation of normal rules of evidence with regard to certain types of documentary evidence, which may be introduced, without authentication, subject to objections as to relevance or to any other objection to admissibility other than authenticity. A copy of any such document must be provided to the adverse party twenty days before the hearing, together with written notice of the intention to offer such documents into evidence.<sup>39</sup>

Rule 1305 of the Pennsylvania Rules of Civil Procedure was amended, effective January 1, 1998. This amendment has blurred the distinctions that used to exist between the Philadelphia Civil Rules and the statewide rule on documentary evidence at arbitrations. The Philadelphia rule is still broader than the statewide rule as Rule \*1305 provides that “attorney’s certifications as to time and hourly rates in claims where counsel fees are involved” shall be received in evidence without further proof, provided at least 20 days written notice of the intention to offer the documents was given to the adverse party.<sup>40</sup>

- (iv) **Official Records**—The rules also provide a party with the right to offer into evidence, without the certification normally required by Sections 5328 and 6103 of the Judicial Code, official weather reports, traffic signal reports, or United States Government life tables.<sup>41</sup> No advance notice to the adverse party is required prior to the introduction of these records. Other official records kept within the Commonwealth may also be “offered in evidence” if twenty days written notice is provided to every other party, accompanied by a copy of the record.<sup>42</sup>

---

<sup>34</sup> Pa.R.C.P. 1305(b) and Philadelphia Civil Rule \*1305(b).

<sup>35</sup> Pa.R.C.P. 1305(a).

<sup>36</sup> Philadelphia Civil Rule \*1305(a).

<sup>37</sup> Pa. R.C.P. 1305(a).

<sup>38</sup> Philadelphia Civil Rule \*1305(a).

<sup>39</sup> Pa.R.C.P. 1305(b) and Philadelphia Civil Rule \*1305(b).

<sup>40</sup> Philadelphia Civil Rule \*1305(b).

<sup>41</sup> Pa.R.C.P. 1305(d).

<sup>42</sup> Pa. R.C.P. 1305(d).

- (v) **Closing Argument**—At the conclusion of the testimony by all witnesses, and after the introduction of all documentary evidence, each party has the right to make a closing argument to the panel of arbitrators. Parties should be present in the hearing room to hear the arguments and any questioning by the arbitrators.
- (vi) **Delay Damages**—Any party seeking delay damages under Rule 238 should send a statement to opposing counsel prior the hearing, setting forth the request for delay damages, and at the conclusion of the hearing the statement is submitted in a sealed envelope to the panel.<sup>43</sup> Because of the prompt hearing—eight months after the filing of the complaint—delay damages are rarely applicable in arbitration hearings.

### **THE REPORT AND AWARD OF ARBITRATORS**

At the conclusion of the hearing, the parties, attorneys, and witnesses leave the hearing room, allowing the arbitrators to deliberate and reach a decision. The arbitrators shall make an award promptly upon termination of the hearing.<sup>44</sup> The arbitrators' award must dispose of all claims for relief and it must be entered on a Report and Award of Arbitrators form.<sup>45</sup>

When the Report and Award is completed and signed by all three arbitrators, the chairperson of the panel returns the file and award form to the assignment desk. The chairperson is required to make a copy of the Report and Award to be left in a bin in front of the bench in the Assembly Room, where the parties or counsel will be able to review the award to learn the result of the arbitration on the day of the hearing. Obvious mathematical errors or other obvious errors in the award can be brought to the attention of the panel for correction, while the panel is still assembled on the day of the hearing. It is also hoped that the immediate availability of the result will enable the parties to discuss possible settlement that day, while the pre-arbitration settlement discussions are still current and fresh. By use of this procedure, it is hoped that the appeal rate will decrease.

The Report and Award is docketed by the staff of the Arbitration Center. Copies of the award are then mailed to the parties (or their counsel) in the envelopes which were addressed by counsel on entry into the hearing room.

The court may mold an award to correct “obvious and unambiguous errors in the award, in mathematics or language,” on application of a party within the thirty (30) day period allowed for appeal.<sup>46</sup> This applies only to obvious and unambiguous errors and not to

---

<sup>43</sup> Pa. R.C.P. 238.

<sup>44</sup> Pa. R.C.P. 1306.

<sup>45</sup> Pa. R.C.P. 1312.

<sup>46</sup> Pa.R.C.P. 1307(d). See Maize v. Atlantic Refining Co., 352 Pa. 51, 41 A.2d 850 (1945) for the standard by which a court may mold the verdict of a jury.

any other type of attempted reformation of the award.<sup>47</sup> The court's power to mold an award is specifically limited to correction of patent errors and is aimed at correcting formal errors that do not go to the substance and merits of the award.<sup>48</sup> After the thirty (30) day period, the court no longer has jurisdiction to mold an award and any such petition must be denied.<sup>49</sup>

---

<sup>47</sup> Albert v. Denito, 336 Pa. Super. 284, 485 A.2d 806 (1984).

<sup>48</sup> Lough v. Spring, 383 Pa. Super. 85, 556 A.2d 441 (1989).

<sup>49</sup> Id.

# Application for Initial Certification as Arbitration Panelist

*(Please print or type)*

NAME	SOCIAL SECURITY NO.
HOME ADDRESS	PRINCIPAL BUSINESS ADDRESS
	BUSINESS TELEPHONE
ATTORNEY STATE I.D. NO.	DATE OF ADMISSION TO PENNSYLVANIA SUPREME COURT

I hereby certify that I have been admitted to the Bar of the Court for one year, have tried at least one civil case in any forum in Pennsylvania, am currently engaged in the active practice of law and maintain my principal office in Philadelphia.

I further certify that I attended the Court-approved Seminar in Arbitration Practices and Procedure on \_\_\_\_\_.

If my status is changed in regard to any of the above, I will immediately contact the Court of Common Pleas, Arbitration Center, and ask that my name be removed from the certified list of arbitrators.

- (a) My practice primarily consists of representing defendants.
- (b) My practice primarily consists of representing plaintiffs.
- (c) My practice cannot be designated as either (a) or (b).

Are you available to sit as an emergency arbitrator?  Yes  No

Date: \_\_\_\_\_

\_\_\_\_\_  
*Signature*

*Note: See Rule ★1302*

**First Judicial District of Pennsylvania  
Philadelphia Court of Common Pleas**

---

---

---

---

---

*Versus*

---

---

---

---

---

Term, \_\_\_\_\_, \_\_\_\_\_  
(Month) (Year) (No.)

**Arbitration**

*(Please indicate type of action)*

- Motor Vehicle**  
(Date of Accident) \_\_\_\_\_
- Delay Damages (Prime Rate +1)
- Contract**
- Delay Damages (Legal Rate = 6%)
- Assessment of Damages**
- Other** \_\_\_\_\_

**Report and Award of Arbitrators**

**And Now**, this \_\_\_\_\_ day of \_\_\_\_\_, Year \_\_\_\_\_, we the undersigned arbitrators having been duly appointed and sworn, make the following award:

---

---

---

---

---

---

---

---

---

---

Please name the parties if there are more than one plaintiff and/or defendant. Please address all counterclaims and cross claims. Please complete percentage of negligence on reverse side if applicable.

---

*Chairperson*

---

*Arbitrator*

---

*Arbitrator*

---

---

*Please Print Name, Address and I.D. No.*

---

*Please Print Name, Address and I.D. No.*

---

*Please Print Name, Address and I.D. No.*

---

**List Attorneys of Record and Unrepresented Parties Who:**

Appeared at the hearing:

Did Not Appear at the Hearing:

---

---

---

---

# Questions to be Answered by the Arbitrators in Negligence Cases

## Instructions:

Taking the combined negligence that was a substantial factor in bringing about any or all of the plaintiff's injuries, damage or losses as 100%, answer the following questions and state in percentages the causal negligence attributed to each party you have found causally negligent.

Do you find that any defendant or additional defendant was negligent?

If so, state the name of the party and percentage of negligence attributable to that party.

_____	_____%
_____	_____%
_____	_____%
_____	_____%

Do you find that any plaintiff was negligent?

If so, state the name of the party and percentage of negligence attributable to that party.

_____	_____%
_____	_____%
_____	_____%
_____	_____%

**Total**

**100%**

---

## Notice of Entry of Award

**And Now**, this \_\_\_\_\_ day of \_\_\_\_\_, Year \_\_\_\_\_, at \_\_\_\_\_, \_\_\_\_\_m.,  
the above award was entered upon the docket and notice thereof given by mail to the parties or their attorneys.

\_\_\_\_\_  
*Prothonotary*

**(Arbitration compensation to be  
paid on appeal \$200.00)**

By:  
\_\_\_\_\_

## MISCELLANEOUS ARBITRATION APPLICATION

FILE WITH THE ARBITRATION CENTER AFTER EXPIRATION OF RESPONSE PERIOD (SEE INSTRUCTIONS).  ENCLOSE STAMPED ADDRESSED ENVELOPES TO ALL COUNSEL. LIST ALL COURT TERMS AND NUMBERS OF CONSOLIDATED CASES IN SPACE DIRECTLY BELOW.	<b>FIRST JUDICIAL DISTRICT OF PENNSYLVANIA                  COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY                  ARBITRATION CENTER                  1880 JOHN F. KENNEDY BLVD., 5TH FLOOR                  PHILADELPHIA, PA 19103</b>	
COURT TERM AND NUMBER	APPLICANT <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant	DATE AND TIME OF LISTED HEARING
CAPTION		
PLAINTIFF'S COUNSEL AND PHONE NO.		
DEFENDANT'S COUNSEL AND PHONE NO.		
ADDITIONAL DEFENDANT'S COUNSEL AND PHONE NO.		
1. Set forth requested relief		
2. Set forth the specific basis for the request		
3. On or after _____, the within Application will be filed with the Arbitration Center.		
4. You must submit a Response to me by _____, for attachment to the Application (within ten (10) days of mailing of copy of Application).		
5. A copy of this Application was mailed/delivered/faxed to opposing counsel, _____, Esquire on _____. <input type="checkbox"/> A Response was received and is attached hereto <input type="checkbox"/> No Response was received.		
6. Other		

I hereby certify the above is true and correct.

\_\_\_\_\_  
*Signature of Counsel for Applicant*

\_\_\_\_\_  
*Filing Date*

### ORDER

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, upon consideration of the within Application, it is hereby ORDERED and DECREED that:

- the Application is denied.
- the within case is transferred to the Non-Jury List;
- the within case may be transferred to the Jury List provided the jury fee is paid within 10 days;
- the Applicant is granted leave to file a Motion \_\_\_\_\_ no later than \_\_\_\_\_;
- the Applicant's request to mold the award of the Arbitrators is denied;
- the Applicant's request to mold the award of the Arbitrators is granted. See detailed order attached hereto;
- the case is deferred \_\_\_\_\_;
- Other

# Instructions

The Applicant shall forward a copy of the Miscellaneous Arbitration Application to all counsel of record and unrepresented parties at least ten (10) days prior to the filing date. Upon receipt of the Application, the adverse parties may file a Response, on the Court-approved form, by forwarding the original Response to the Applicant who will attach same to the Miscellaneous Arbitration Application which will be filed with the Arbitration Center.

Counsel are cautioned not to send the Response directly to the Arbitration Center which has been directed not to accept them.

If the Miscellaneous Arbitration Application filed with the Arbitration Center contains incorrect information concerning service of the Application, and Responses, the Order entered upon reliance of the representations in the Application may be vacated and appropriate sanctions may be imposed.



# Instructions

The Applicant shall forward a copy of the Miscellaneous Arbitration Application to all counsel of record and unrepresented parties at least ten (10) days prior to the filing date. Upon receipt of the application, the adverse parties may file a Response, on a Court-approved form, by forwarding the original Response to the Applicant who will attach same to the Miscellaneous Arbitration Application which will be filed with the Arbitration Center.

Counsel are cautioned not to send the Response directly to the Arbitration Center which has been directed not to accept them.

If the Miscellaneous Arbitration Application filed with the Arbitration Center contains incorrect information concerning service of the Application, and Responses, the Order entered upon reliance of the representations in the Application may be vacated and appropriate sanctions may be imposed.

**COMPULSORY ARBITRATION APPLICATION  
ONE-TIME ONLY RESCHEDULING AGREEMENT  
By Agreement of All Parties**

FILE WITH THE ARBITRATION CENTER NO LATER THAN TWO DAYS PRIOR TO SCHEDULED HEARING. ENCLOSE STAMPED ADDRESSED ENVELOPES TO ALL COUNSEL AND UNREPRESENTED PARTIES. LIST <u>ALL</u> COURT TERMS AND NUMBERS OF CONSOLIDATED CASES IN SPACE DIRECTLY BELOW.	FIRST JUDICIAL DISTRICT OF PENNSYLVANIA COURT OF COMMON PLEAS ARBITRATION CENTER 1880 JOHN F. KENNEDY BLVD., 5TH FLOOR PHILADELPHIA, PA 19103	
COURT TERM AND NUMBER	APPLICANT <b align="center">JOINT REQUEST</b>	LIST DATE OF ORIGINAL SCHEDULED HEARING
CAPTION		
All parties and/or Counsel agree to reschedule hearing to the following new date and time ( <i>new date <b>must</b> be within 2 weeks before or after original scheduled hearing date</i> ):		
PRINT NAME OF COUNSEL FOR PLAINTIFF AND PHONE NO.	SIGNATURE OF PARTY OR COUNSEL ( <i>Fax Signature Acceptable</i> )	DATE
Name of Defendant _____		
PRINT NAME OF COUNSEL FOR DEFENDANT AND PHONE NO.	SIGNATURE OF PARTY OR COUNSEL ( <i>Fax Signature Acceptable</i> )	DATE
Name of Defendant _____		
PRINT NAME OF COUNSEL FOR DEFENDANT AND PHONE NO.	SIGNATURE OF PARTY OR COUNSEL ( <i>Fax Signature Acceptable</i> )	DATE
Name of Defendant _____		
PRINT NAME OF COUNSEL FOR DEFENDANT AND PHONE NO.	SIGNATURE OF PARTY OR COUNSEL ( <i>Fax Signature Acceptable</i> )	DATE
Name of Defendant _____		
PRINT NAME OF COUNSEL FOR DEFENDANT AND PHONE NO.	SIGNATURE OF PARTY OR COUNSEL ( <i>Fax Signature Acceptable</i> )	DATE
Name of Defendant _____		
PRINT NAME OF COUNSEL FOR ADDITIONAL DEFENDANT AND PHONE NO.	SIGNATURE OF COUNSEL FOR ADDITIONAL DEFENDANT ( <i>Fax Signature Acceptable</i> )	DATE
<b>NOTE: AGREEMENT IS NOT VALID UNLESS THIS AGREEMENT IS SIGNED BY ALL COUNSEL OF RECORD OR BY UNREPRESENTED PARTIES AND DATE IS APPROVED IN ADVANCE BY THE ARBITRATION CENTER AS SET FORTH BELOW.</b>		

**ORDER**

**AND NOW**, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, upon consideration of the within Application for Rescheduling, the request is granted and the hearing is rescheduled for \_\_\_\_\_ a.m./p.m. on \_\_\_\_\_ at the Arbitration Center. No further rescheduling shall be granted.

\_\_\_\_\_  
*Arbitration Center*

## CONTINUANCE ARBITRATION APPLICATION

<p>FILE ORIGINAL ONLY WITH THE ARBITRATION CENTER                  ENCLOSE STAMPED ADDRESSED ENVELOPES TO ALL COUNSEL.                  LIST ALL COURT TERMS AND NUMBERS OF CONSOLIDATED CASES IN SPACE DIRECTLY BELOW.</p> <p><input type="checkbox"/> Emergency Application  <input type="checkbox"/> Non-Emergency Application</p>	<p>FIRST JUDICIAL DISTRICT OF PENNSYLVANIA                  COURT OF COMMON PLEAS                  ARBITRATION CENTER                  1880 JOHN F. KENNEDY BLVD., 5TH FLOOR                  PHILADELPHIA, PA 19103</p>	
COURT TERM AND NUMBER	APPLICANT <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant	DATE AND TIME OF LISTED HEARING
CAPTION		
PLAINTIFF'S COUNSEL AND PHONE NO.		
DEFENDANT'S COUNSEL AND PHONE NO.		
ADDITIONAL DEFENDANT'S COUNSEL AND PHONE NO.		
LIST PRIOR HEARING DATE(S), PARTY REQUESTING PREVIOUS CONTINUANCE(S), REASON FOR CONTINUANCE(S)		
1. THE CONTINUANCE IS NEEDED FOR THE FOLLOWING REASON(S):		
2. SET FORTH THE SPECIFIC BASIS FOR THE REQUEST AS PROVIDED IN PA. R.C.P. 216 AND PHILA. CIV. R. NO. *1303(c) AND STATE HOW COMPLIANCE WITH SAID RULES HAS BEEN ACCOMPLISHED.		
3. A COPY OF THIS APPLICATION WAS MAILED/DELIVERED/FAXED TO OPPOSING COUNSEL ON _____ .		
4. Position of Opposing Counsel. (Will not be considered unless position stated.)		
5. Agreed upon continuance date, if any:		

I hereby certify the above is true and correct.

\_\_\_\_\_  
*Signature of Counsel for Applicant*

\_\_\_\_\_  
*Date*

### ORDER

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, upon consideration of the within Application for Continuance, the request for a continuance is

- Denied  
 Granted and the hearing is rescheduled for \_\_\_\_\_ a.m./p.m. on \_\_\_\_\_ at the Arbitration Center.

\_\_\_\_\_  
*Arbitration Center*

**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY**

**IN RE: TRIAL DIVISION ADMINISTRATIVE DOCKET No. 2005-02**

*Standard Interrogatories In Compulsory Arbitration Cases  
Motor Vehicle Liability and Premises Liability Cases*

**ORDER**

AND NOW, this \_\_\_1st\_\_\_ day of \_\_\_\_\_ June \_\_\_\_\_, 2005, effective immediately, the Standard Interrogatories and Requests for Production of Documents adopted by Order of this Court dated April 8, 2005 are amended as follows:

**1) Plaintiff's Interrogatories Addressed to Defendant – Motor Vehicle Liability:**

27. is amended to read: "If you have engaged, or expect to engage, healthcare professionals and/or other expert witnesses (i.e. accident reconstructionists), whom you intend to have testify or whose report you intend to submit at trial on your behalf on any matter pertaining to this action, state . . ."

28. is Deleted.

**2) Defendant's Interrogatories Addressed to Plaintiff – Motor Vehicle Liability:**

24. is amended to read: "If you have engaged, or expect to engage, healthcare professionals and/or other expert witnesses (i.e. accident reconstructionists), whom you intend to have testify or whose report you intend to submit at trial on your behalf on any matter pertaining to this action, state . . ."

**3) Plaintiff's Interrogatories Addressed to Defendant – Premises Liability:**

17. is amended to read: "If you have engaged, or expect to engage, healthcare professionals and/or other expert witnesses (i.e. accident reconstructionists), whom you intend to have testify or whose report you intend to submit at trial on your behalf on any matter pertaining to this action, state . . ."

18. is Deleted.

**4) Defendant's Interrogatories Addressed to Plaintiff – Premises Liability:**

16. is amended to read: "If you have engaged, or expect to engage, healthcare professionals and/or other expert witnesses (i.e. accident reconstructionists), whom you

intend to have testify or whose report you intend to submit at trial on your behalf on any matter pertaining to this action, state . . .”

**5) Plaintiff’s Request for Production of Documents, Exhibit “E;”**

The following is added at the end of the first sentence of the opening paragraph: “. . . unless protected by the attorney-client privilege or the work-product doctrine.”

Request No. 3. is Deleted.

Request No. 7 (now 6) will read as follows: “Reports, communications, and/or documents prepared by any and all experts who will testify or whose reports will be submitted at trial.”

Request No. 9 (now 8) will read as follows: “Resumes and qualifications of any and all experts who will testify or whose reports will be submitted at trial.”

**6) Defendant’s Request for Production of Documents, Exhibit “F.”**

The following is added at the end of the first sentence of the opening paragraph: “. . . unless protected by the attorney-client privilege or the work-product doctrine.”

Request No. 3. is Deleted.

Request No. 7 (now 6) will read as follows: “Reports, communications, and/or documents prepared by any and all experts who will testify or whose reports will be submitted at trial.”

Request No. 9 (now 8) will read as follows: “Resumes and qualifications of any and all experts who will testify or whose reports will be submitted at trial.”

It is further ORDERED, ADJUDGED and DECREED that from time to time the Standard Interrogatories and Requests for Production of Documents adopted by Trial Division Administrative Order No. 2005-02 may be administratively updated and revised. Any such update and revision shall be posted on the website of the First Judicial District of Pennsylvania, <http://courts.phila.gov>.

**BY THE COURT:**

*/s/ Hon. James J. Fitzgerald, III*

---

**HON. JAMES J. FITZGERALD, III**  
*Administrative Judge, Trial Division*

---

**Section 7**

---

**Office of Civil  
Administration  
Civil Motions  
Program**

**OFFICE OF CIVIL ADMINISTRATION  
CIVIL MOTIONS PROGRAM  
ROOM 296 CITY HALL  
215-686-7401  
215-686-8397 (FAX)**

The Office of Civil Administration/Civil Motions Program is primarily responsible for processing non-discovery motions and petitions filed in all civil actions within the Trial Division. The programs administered by this department include the Motion Court Argument List, Lead Court Program, Code Enforcement Injunctions, Municipal Court Appeals, the Statutory Appeals Program, Civil Tax Petitions, Tax Court Trials, and Preliminary Injunctions and Temporary Restraining Orders.

The assignment of motions and petitions is governed by our Civil Motion Assignment Matrix. The Motion Assignment Matrix provides for the assignment of motions and petitions to the Team Leaders and Coordinating Judges of the respective programs. Motions and petitions filed in the Compulsory Arbitration, Arbitration Appeal, and the Non Jury Program are assigned to the two presiding Motions Judges. The Motions Judges also review and dispose of motions and petitions which are filed in a variety of other miscellaneous actions. A copy of the Civil Motion Assignment Matrix is included at the end of this section. (Document 1)

Presently, the Honorable Matthew D. Carrafiello and the Honorable Joseph A. Dych preside over the Civil Motions Program. Effective August 1, 2005, Judge Carrafiello will transfer to the Complex Litigation Center and the Honorable Gary Glazer will return to the Civil Motions Program.

The following motions will be assigned to the Administrative Judge/Supervising Judge of the Trial Division **regardless** of any program designation:

- *Motions for Assignment to an Individual Judge;*
- *Motions for Advancement on the Trial List;*
- *Petitions to Appoint a Neutral Arbitrator;*
- *Petitions to Compel Arbitration;*
- *Motions to Proceed In Forma Pauperis.*

**Philadelphia Rules of Civil Procedure**

Pursuant to rule changes approved by the Board of Judges of the Philadelphia Court of Common Pleas, local rules concerning the filing of Petitions, Motions, Preliminary Objections, Motions for Judgment on the Pleadings, and Motions for Summary Judgment have been amended effective July 26, 2004. These local rules are available on the website of the Administrative Office of Pennsylvania Courts at <http://ujportal.pacourts.us>, and on the

First Judicial District's website at <http://courts.phila.gov>. A copy of the local rules adopted by the Board of Judges is included at the end of this section. (Document 2)

### **Hours of Operation**

The Office of Civil Administration (including the Civil Motions Filing Clerk) hours of operation are Monday through Friday, 9:00 a.m. to 5:00 p.m. However, in order to ensure that your motion is accepted for filing, the motion MUST be paid for by 4:30 p.m.

### **Filing Fee**

There is a \$30 filing fee for all motions, which shall be payable to the Prothonotary, Room 282, City Hall. The Prothonotary accepts as payment, business checks (no personal checks), money orders, and credit cards.

There is no fee with the Civil Motions Program for the following:

- *Motions to Determine Preliminary Objections*
- *Answers/Responses to Motions and/or Petitions*
- *Supplemental Briefs/Pleadings*
- *Post Trial Motions*
- *Petitions/Motions in Newly Filed Petition Actions*
- *Affidavits of Compliance with Minor's Compromise/Wrongful Death Orders*
- *Statutory Appeals Continuance Application*
- *Motions to Proceed In Forma Pauperis*

### **Civil Motion Cover Sheet**

The Petition/Motion Cover Sheet is required pursuant to Phila. Civ. R. \*205.2(b)(2). This form is provided by the Court and has been approved and modified from time to time by the Administrative Judge or his/her designee. This cover sheet must be attached to all petitions, motions, answers, responses, and replies, except Motions for Extraordinary Relief, and responses thereto. The Petition/Motion Cover Sheet was revised in April 2004 to include more specific language with regard to properly completing the cover sheet and ensuring proper service of the motion, petition, answer and/or response upon opposing counsel and unrepresented parties. Copies of the cover sheet may be obtained from the Office of Civil Administration, Room 296 City Hall. This form is also available on the Court's website at <http://courts.phila.gov>. A copy of the revised Petition/Motion Cover Sheet is included at the end of this section. (Document 3)

In order to ensure the proper docketing and processing of all paperwork filed with Civil Administration, it is extremely important that the filing party **properly** and **accurately** complete all of the information requested on the Petition/Motion Cover Sheet. The information necessary for the proper completion of the cover sheet may be obtained from the civil case docket report. All filing parties are strongly encouraged to use the current Petition/Motion Cover Sheet. Failure to use the correct cover sheet, properly complete the

cover sheet, and/or failure to sign the cover sheet will be grounds for dismissal of the motion/petition/answer, etc. Even if a motion is accepted by Civil Administration, it still may be dismissed by the assigned judge.

### **Content of Petition/Motion Package**

The Petition/Motion Procedure is governed by Philadelphia Civil Rules \*206.1 and \*208.3. All pretrial motions subject to this rule and all motions to determine preliminary objections shall be in compliance with this rule. The motion package must contain (but is not limited to) the following:

- *A Completed Petition/Motion Cover Sheet as provided in Phila.Civ. R. \*205.2(b)(2);*
- *Proposed Order, which shall contain no reference to the attorney proposing same;*
- *Proposed Rule (if appropriate);*
- *Memorandum of Law as provided in Phila.Civ.R. \*208.2 (c) and \*210;*
- *Stamped, addressed (9 1/2" x 4 1/4") envelopes for all counsel and unrepresented parties (these are required in order to serve a copy of the order on all parties upon disposition of the motion/petition);*
- *\$30 Filing Fee (payable to the Prothonotary in Room 282 City Hall) as provided in the Prothonotary's Fee Bill, 42 Pa.C.S. §1725(c) and related legislation;*
- *Checklist for Minors' Compromise or Wrongful Death/Survival Actions;*
- *Motion package must be properly assembled and then bound or stapled (the filing clerk is not responsible for assembling motion packages).*

### **Control Numbers**

Every motion filed with the Civil Motions Program will be assigned a new Control Number at the time of filing, which will be stamped in the box located in the upper right corner of the Motion Cover Sheet. It is the filing party's responsibility to serve a copy of the stamped, filed Motion Cover Sheet containing the Control Number and response date upon all opposing counsel and unrepresented parties. Answers and any subsequent filing pertaining to a particular motion or petition and/or communications to the court must contain the control number of the corresponding motion.

## **GENERAL INFORMATION AND CONSIDERATIONS — MOTIONS PRACTICE**

### **Format of Motion Package**

Due to the high volume of matters processed by the Civil Motions Program, and in order to ensure the timely processing of motions, the motion package should be clear and concise. The filing party should include a copy of the complaint and any answer(s)/pleadings so that the assigned judge can learn something about the nature of the case. The proposed order should be located at the top of the motion behind the Petition/Motion Cover Sheet. Extra space should be provided on the proposed order to allow the judge to insert explanations or additional provisions. The use of tabs to identify items and exhibits is strongly encouraged. An incredible amount of time is lost when the judge is forced to leaf through a motion

package in search of the memorandum of law or the vital exhibit referred to by counsel as the cornerstone of his/her argument.

Counsel and unrepresented parties should take note that the motion package, and any response thereto, is all that is sent to the assigned judge for review and disposition at the time of assignment. Pursuant to the Philadelphia Rules of Civil Procedure, the filing party is responsible for attaching as an exhibit a copy of anything the judge might reasonably require in order to render a decision. Failure to do so may result in the motion being dismissed or returned to the filing party for completion and **re-filing** with consequent delay and expense.

In the event that a motion is stamped “**INCOMPLETE FILING,**” the filing party may, upon Praecipe, and prior to the response deadline, file the document(s) that were omitted from the original motion package, with the Civil Motions Program in 296 City Hall. Failure to do so may result in dismissal.

**NOTE: If a motion is dismissed for failure to comply with the rules, a new compliant motion package must be filed with the Civil Motions Program, along with another \$30 filing fee, where it will be assigned a new control number and response date.**

Upon filing, motions are held by Civil Administration for 20 days from the date of filing to allow for the filing of a response. Motions for Summary Judgment allow for a 30 day response and Motions for Extraordinary Relief and Motions to Proceed *In Forma Pauperis* have a ten (10) day response. Motions and any responses filed thereto are assigned within two business days of the response date to a judge. The Civil Motions Judges review each pleading. Except in rare and complicated matters, it is the goal and practice for the review and order process to be completed within three (3) working days.

As soon as the motion is ruled upon by the Motions Judge, the motion/petition (and any response thereto), is immediately returned to Civil Administration, Room 296, City Hall, for docketing and service of the order. The Motions Judges do not keep any of the pleadings or copies of the orders.

In the event you have not received a decision on your motion and more than 40 days has elapsed since the initial filing, please contact Civil Administration at 215-686-7401 to request a search of the status of the matter. Do not contact the assigned judge.

### **Contact with the Motions Judge**

As a result of the high volume of motions that must be considered, the Civil Motions Judges do not have the resources to retain copies of the pleadings, or determine the status of any given motion. When seeking information about a motion, please take the following actions:

- *Review your own file;*
- *Review the Prothonotary file;*
- *Review the civil docket via our website at <http://courts.phila.gov>, or in person in the Office of the Prothonotary , Room 262, City Hall;*

- Obtain a copy of the civil docket from the Prothonotary , Room 262, City Hall;
- Refer to the state and local Rules of Civil Procedure;
- Refer to the **Civil Administration At A Glance** Manual
- Contact opposing party/counsel and discuss the matter.

As a last resort, contact Civil Administration at 215-686-7401. When contacting Civil Administration for any reason, **please be prepared with the Court Term and Number and the Control Number of the matter in question.**

Counsel and unrepresented parties are strongly discouraged from calling the judge's chambers and attempting to argue the merits of a case or alleged errors of the judge's rulings. This conduct is considered an *ex parte* communication with the Court. Judicial staff are instructed not to convey these communications to the judge.

Civil Administration staff are not law trained and, therefore, are not authorized to provide legal advice. Requests for relief or revision of an order, and clarification of an order, must be presented in the form of a motion or petition.

In order to avoid confusion and the possible entry of conflicting orders, counsel and unrepresented parties are strongly advised **NOT** to send courtesy copies of the pleadings to the judge, unless specifically requested. Furthermore, counsel and unrepresented parties are urged not to send letters arguing further points of law or complaining about the conduct of opposing counsel/party.

### **Motion Court Argument List**

All Motion Court Argument List matters must be accompanied by a proposed rule to show cause. Upon filing, the Office of Civil Administration shall assign a date, time and place for the return of the rule. The moving party is responsible for immediately serving the rule on each attorney of record and unrepresented parties (including, in the case of a petition to withdraw appearance, the party affected by the withdrawal). A certificate of service evidencing such service shall be presented to court by the moving party at the time of argument.

The Motion Court Argument List consists of the following matters:

- *Motions to withdraw appearance of counsel in cases assigned to the Arbitration Program;*
- *Petitions for redemption of foreclosed property;*
- *Petitions for writ of seizure;*
- *Petitions to transfer title to vehicle;*
- *Other matters ordered on the Argument List by the Court.*

The Motion Court Argument List is titled as such because it is for argument only; do not expect the Court to take testimony except in cases specially listed for that purpose on emergency requests for relief.

### Continuances

Requests for continuance of a motion hearing must be made in writing and addressed to either Deborah Dailey, Manager, Office of Civil Administration, or Jerome Kelleher, Legal Clerk, Room 296, City Hall, Philadelphia, PA, 19107. You may fax the letter to 215-686-8397. Additionally, please inform this office immediately in writing when a matter settles or is withdrawn prior to the scheduled hearing.

### Oral Argument

In order to avoid, or minimize the need for oral argument, counsel and unrepresented parties should utilize affidavits, relevant deposition testimony, responses to Requests for Admission, and any stipulations reached in the case to develop the factual predicate. In the rare instance where oral argument is necessary, the filing party should include a Rule in their motion package. The Petition/Motion Cover Sheet should prominently display the words “**ORAL ARGUMENT REQUESTED.**” Counsel and/or unrepresented parties should be aware that, unlike regular motions, these motions are usually only seen by the judge for the first time on the bench at the time of the hearing. Therefore, in matters where the judge should in fairness consider any but the most basic points of law or consider facts of any complexity or volume, it is far better to avoid the oral argument procedure.

### SPECIFIC MOTIONS PROCEDURES

#### Mass Tort Motions

The Mass Tort Motions Procedures were amended in 2005 to include the filing and processing of Mass Tort Motions with the Office of Civil Administration/Civil Motions Program. All Mass Tort motions are filed with the Civil Motions Clerk in Room 296 City Hall. Upon filing, they will be time-stamped and assigned individual control numbers. The filing party will then present the motions for payment to the Cashier in Room 282 City Hall. Thereafter, the motions are to be returned to the Civil Motions Clerk in Room 296, City Hall for processing. Upon expiration of the response period, the Mass Tort motions will be assigned to the Coordinating Judge of the Complex Litigation Center, Room 622, City Hall, for disposition and further processing.

Answers and responses to Mass Tort Motions must be filed with the Civil Motions Clerk in Room 296 City Hall. The answer/response must be filed by the following Monday before 4:30 p.m. There is no fee when filing an answer and/or response to a motion. The Answers and/or Responses **must contain the corresponding control number** that was assigned to the original motion. The movant and all other parties must receive a copy that same day by facsimile or hand delivery.

If the motion is unopposed, the court must receive a letter stating that there is no opposition. The letter must reference the control number that was assigned to the corresponding motion at the time of filing. The movant and all interested parties must receive a copy that same day

by facsimile or hand delivery. If no letter is received, the Court will assume the motion is uncontested.

Additional procedures regarding Mass Tort Motions Procedure are more fully discussed in the Complex Litigation Center section of this manual. A copy of the Mass Tort Motions Procedures is included at the end of this section. (Document 4)

### **Wrongful Death/Survival and Minor's Compromise Motions**

Pursuant to *Joint General Court Regulation, Trial Division and Orphans' Court Division, 97-1*, Motions for Approval and Distribution of Wrongful Death & Survival Actions and Minors' Compromise Actions will be assigned to a judge of the Orphans' Court Division for disposition. Please refer to the Specific Motions section of this manual for a detailed explanation of the procedures for these motions.

### **Post Trial Motions Procedures**

Post Trial Motions must be filed within ten (10) days after (1) verdict, discharge of the jury because of inability to agree, or nonsuit in the case of a jury trial; or (2) notice of nonsuit or the filing of the decision in the case of a trial without jury. (See Pa.R.C.P. 227.1(c)).

Motions for post-trial relief are to be filed with the Office of Civil Administration, Civil Motions Clerk, Room 296 City Hall. All motions for post-trial relief must be accompanied by the following:

- *Proposed order;*
- *Motion signed by moving party;*
- *Notice to the Post Trial Motions Clerk regarding Notes of Testimony – must state what portions are to be transcribed;*
- *Certificate of service setting forth the name of the Trial Judge and the names, addresses and telephone numbers of all counsel and unrepresented parties, and the court reporter;*
- *Stamped, addressed envelopes for all counsel and unrepresented parties;*
- *No fee required;*
- *No Petition/Motion Cover Sheet required;*
- *No Control Number required.*

Answers/responses to post-trial motions are to be filed with the Civil Motions Clerk in 296 City Hall. They will be docketed and forwarded immediately upon filing to the Trial Judge.

Briefs in support of or in opposition to post-trial motions are to be filed directly with the Trial Judge. Civil Administration does not accept briefs for post-trial motions.

### **Discovery Motions**

The discovery motions procedure is more fully discussed in the Discovery Program section of this manual.

The following motions are the **only** discovery motions that are accepted by the Civil Motions Program:

- *Discovery Motions in Municipal Court Appeals—Landlord Tenant Only;*
- *Post Judgment Motions for Discovery in Aid of Execution;*
- *Motions for Pre-Complaint Discovery;*
- *Discovery Motions in Tax Court Cases;*
- *Discovery Motions in Statutory Appeals;*
- *Motions to Quash Trial Subpoena;*
- *Motions to Quash Subpoena for Trial Depositions.*

### **Motions Initially Considered Without Written Response or Briefs**

Pursuant to Philadelphia Civil Rule \*208.3(a), the following motions will be initially considered without written response or briefs. These motions will be assigned immediately upon filing to the appropriate judge for review.

- ***Emergency Motions.*** *Upon filing, the Motions Clerk shall assign the Emergency Motion to the appropriate judge of the assigned trial program who, upon review of the motion, will issue an order providing any applicable relief, and shall further set forth how the motion will be answered, heard, and disposed;*
- ***Motions for Alternative Service.*** *The filing party must immediately serve a copy of the petition on all counsel of record and unrepresented parties;*
- ***Motions for Reconsideration.*** *Motions for Reconsideration shall be forwarded to the appropriate judge immediately upon filing, and the filing party must serve a copy of the motion as provided in subsection (b)(3)(C). In appropriate cases, the assigned judge may enter a preliminary order vacating the order in question pending receipt of the response to the motion.*

### **Motions for Reconsideration**

Motions for Reconsideration should only be filed if there has been a change in the law or facts that would warrant revisiting the original issues. Motions for Reconsideration must be formally filed in compliance with the Philadelphia Rules of Civil Procedure. The motion is to be filed with the Civil Motions Clerk in Room 296, City Hall. There is a \$30 filing fee, which shall be payable to the Prothonotary in Room 282, City Hall. The Motions Clerk will assign a new control number to the motion and immediately assign the motion to the Judge who issued the order where reconsideration is requested. **Note:** if reconsideration is being sought on a final order of the court, in order to preserve the appeal process, **the motion must**

**be filed, and ruled upon within thirty (30) days from the date of docketing of the final order** where reconsideration is being sought.

The filing party is reminded that the judge will no longer have the original motion or any of the pertinent pleadings in chambers. Therefore, it is the filing party's responsibility to prepare a full and complete motion package.

Please keep in mind that the judge does not receive the entire court record when a motion/petition is assigned for disposition. Therefore, it is very important that you attach as exhibits any information that may be necessary in order for the judge to render a decision. Petitions for Reconsideration, in particular, should include, among other things, a signed copy of the order in question, along with copies of the motion and responses thereto. Failure to do so may result in dismissal of the motion for failure to comply with Phila. R. Civ. P. \*208.3.

The motion for reconsideration should contain, but is not limited to, the following:

- *Copy of the Order upon which reconsideration is being sought;*
- *Copy of the original motion in question;*
- *Copy of any responses to the original motion;*
- *Other relevant pleadings/legal documents.*

### **Emergency Relief**

Emergency petitions and motions for preliminary relief will be processed in accordance with Administrative Docket 04 of 2005, which was enacted on May 27, 2005, and a copy of which is included at the end of this section. (Document 5)

It is suggested that the following points be considered before dedicating a substantial amount of valuable time seeking emergency relief. Requests for emergency relief are disfavored and will be entered only under the most compelling of circumstances. There are very few instances in which irreparable harm, which cannot be remedied by damages, is so imminent that the court will even agree to hear a matter as an emergency. When requesting emergency relief, be prepared to adequately explain the failure to act sooner and how truly irreparable harm will occur within the next few hours.

You must first commence the action in the Prothonotary's Office, First Filing Unit, Room 280, City Hall. Thereafter, the motion/petition should be filed with the Civil Motions Clerk in Room 296, City Hall. There is an additional \$30 filing fee for the petition. It is the filing party's responsibility to notify all parties that the emergency relief is being sought and that they are required to appear in Civil Administration, Room 296, City Hall. **All parties must be present before Civil Administration staff will contact the judge.** The filing party must be prepared to represent to the Court, specifically, what efforts were made to reach an agreement or at least a temporary solution with opposing party. The filing party should be prepared with the necessary bonding in the event that relief is granted.

Unfortunately, even where all parties are able to appear, the Court cannot guarantee that there will be a Court Reporter and/or other necessary personnel immediately available. Moreover, the Emergency Judge may be involved in other matters. As with oral argument, realize that you will be asking the judge to master the facts and the pertinent law without an advance opportunity to read the petition. In addition to bonding requirements, the emergency relief will generally require a further hearing in a few days. It is recommended that, whenever possible, the parties plan to present their request for relief when the presiding judge is actually on the bench.

### **Expedited Eviction of Drug Traffickers Act**

The Trial Division—Civil has established written procedures with regard to filing and processing motions for eviction pursuant to the Expedited Eviction of Drug Traffickers Act, 35 P.S. §780-176 (2004).

#### **Introduction**

In 1995, the General Assembly of the Commonwealth of Pennsylvania enacted the Expedited Eviction of Drug Traffickers Act, 35 P.S. §780-176. All citizens, regardless of their income or economic status, have the right to be safe and secure in their residences. All citizens further have the right to live and raise their children in apartment complexes, neighborhoods and communities, which are free from the destructive influence of drug dealers and drug-related crime and violence.

It is the policy of the Commonwealth of Pennsylvania to ensure the swift eviction and removal of persons who engage in certain drug related criminal activity on or in the immediate vicinity of leased residential premises or who permit or tolerate such offenses to be committed, violate the rights and jeopardize the health and safety of the other tenants, residents and onsite employees of the premises.

Pursuant to the Expedited Eviction of Drug Traffickers Act, landlords may seek immediate eviction of all persons who engage in drug-related criminal activity on or in the immediate vicinity of the leased residential premises or who allow such criminal activity to occur. The statute authorizes the court to hear these cases on an expedited and priority basis and requires that a hearing be held within 15 days following the filing of the complaint.

The following instructions have been established to accommodate the revised commencement, injunction assignment and disposition processes:

At the time of commencement the initial filing clerk will, by pre-established procedures, enter the case from start to finish identifying the action as a Common Pleas (CP) court type and Equity Drug Trafficking TRO (E-6) case type with a case status of Waiting to List Injunction Hearing (CLWIH). Upon completion of the initial filing process the Commencement Unit will forward the file and motion package to the Office of Civil Administration, Room 296 City Hall, for further processing.

The Civil Motions Clerk will assign the appropriate control number and forward the file and motion package to the Manager or her designee for pre-determination. After review, the motion will be docketed and immediately scheduled for a preliminary injunction hearing within fourteen (14) days of the original motion filing date.

A copy of the Court's Expedited Eviction of Drug Traffickers Act procedures is included at the end of this section. (Document 6)

### **Motions to Determine Preliminary Objections**

All preliminary objections shall be filed with the Prothonotary, as provided in Pa.R.C.P. 1028, and must be served on all other parties. Pursuant to Pa.R.C.P. 1028(c)(1) a party may file an amended pleading as of course within twenty (20) days after service of the preliminary objections. After twenty (20) days an amended complaint may be filed only with leave of court.

Motions to Determine Preliminary Objections must include, but are not limited to, the following:

- *Petition/Motion Cover Sheet;*
- *Proposed Order (which shall contain no reference to the attorney proposing same);*
- *An attested copy of the preliminary objections;*
- *A brief or memorandum of law, as set forth in Phila.Civ.R. \*210; and*
- *Copies of all items necessary or relevant to the disposition of the preliminary objections. This shall include the pleading to which preliminary objections are being raised, i.e., complaint, answer, new matter, counterclaim, etc. All such items shall be included or attached and marked as exhibits separately. The Court may decide preliminary objections against a party who fails to attach to the filing those items sufficient to enable the Court to determine the preliminary objections.*

Counsel who file preliminary objections to preliminary objections are cautioned that unless they respond to the motion to determine preliminary objections that motion may be granted as uncontested.

### **Praecipe to Overrule Preliminary Objections**

In the event that the Motion to Determine the Preliminary Objections is not filed with the Civil Motions Program within thirty (30) days after filing with the Prothonotary, the party against whom the objections are asserted may file with the Civil Motions Program a Praecipe, and a proposed order, requesting that the objections be overruled.

The Praecipe to Overrule Preliminary Objections is to be filed with the Civil Motions Clerk in Room 296 City Hall. There is a \$30 filing fee. The Praecipe will be assigned a control number and will be docketed and assigned to the appropriate judge. The Praecipe shall consist of the following:

- \$30 filing fee;
- Praecipe;
- Proposed Order (containing no reference to the attorney proposing same);
- Stamped, addressed envelopes for all counsel and unrepresented parties.

### **Amended Pleadings**

Pursuant to Pennsylvania Rule of Civil Procedure 1028(c)(1), if a party files an amended pleading as of course, the preliminary objections to the original pleading shall be deemed moot. Counsel for plaintiff should notify the judge and opposing counsel immediately. Counsel for defendant should notify Civil Administration immediately, by letter or Praecipe, to withdraw their Motion to Determine Preliminary Objections. Motions to Determine Preliminary Objections will be administratively marked moot at the time of assignment if an amended pleading has been filed.

### **Preliminary Objections to Preliminary Objections**

Preliminary Objections to Preliminary Objections must first be filed with the Prothonotary, 2<sup>nd</sup> Filing Unit, Room 278 City Hall. Thereafter, within thirty (30) days after filing Preliminary Objections to Preliminary Objections with the Prothonotary, the objecting party shall file a Motion to Determine the Preliminary Objections to Preliminary Objections, with the Civil Motions Clerk in Room 296, City Hall. The Motion to Determine Preliminary Objections to Preliminary Objections will be treated as a new motion, i.e., it will be assigned a new control number, and a twenty (20) day response date.

All Motions to Determine Preliminary Objections will be assigned together to the appropriate judge upon the expiration of the response date of the latest filed motion.

### **Motions for Extraordinary Relief**

#### **Major Jury/Day Forward Program**

A party seeking an extension of a deadline imposed by a case management order must file a Motion for Extraordinary Relief. A case management conference is scheduled approximately ninety (90) days after commencement of a civil action. At the case management conference the case manager analyzes the case and assigns it to a specified “track:” Expedited, Standard, or Complex. The case manager issues a case management order that imposes various deadlines on discovery requests, the filing of motions and submission of expert reports. The case management order also schedules key events, specifically, Settlement Conferences (presided over by a Judge Pro Tempore), Pretrial Conferences (presided over by the trial judge), and trial dates.

Any party may seek relief from the time requirements by filing the Motion for Extraordinary Relief. This petition must be filed prior to the deadline that the party is seeking to change. Motions for Extraordinary Relief are filed with the Civil Motions Clerk located in the Office of Civil Administration, Room 296 City Hall. There is a \$30 filing fee, which should be

made payable to the Prothonotary. Motions for Extraordinary Relief are held by the Office of Civil Administration for ten (10) days for the filing of a response. The Motion for Extraordinary Relief should contain the current “Motion for Extraordinary Relief Cover Sheet,” and should be accompanied by a proposed order setting forth the deadline dates that would be affected, as well as a copy of the current case management order. Copies of the form may be obtained from the Office of Civil Administration, Room 296 City Hall, and may also be downloaded from the Court’s website at <http://courts.phila.gov>. Copies of the required current Motion for Extraordinary Relief Cover Sheet and Response to Motion for Extraordinary relief are included in the documents at the end of this section. (Documents 7 and 8)

At the end of the response period, the Motion for Extraordinary Relief, along with any responses thereto, will be assigned to the individual Team Leader for disposition. Failure to comply with the above filing requirements may result in denial of the motion. Should the motion be denied for failure to comply, a subsequent motion may be filed in accordance with the above filing requirements. However, the timeliness of a subsequent compliant motion will be measured from the date the subsequent motion is actually filed, **not** from the date of the defective filing.

Motions for Extraordinary Relief are fact and case track sensitive. The agreement of counsel and unrepresented parties to extend the deadlines of a case management order is not a recognized basis for an extension. Furthermore, neither a sudden change in counsel nor counsel’s hectic schedule and other commitments will merit an extension. Counsel and unrepresented parties are expected to demonstrate regular and timely efforts to complete discovery and to make a record of requests and/or motions to compel production of answers to interrogatories, documents, depositions, etc.

The movant is expected to demonstrate extraordinary and nonforeseeable circumstances justifying the deadline extension request. The following sample scenarios may be considered by team leaders as warranting an extension of case management deadlines. However, counsel are cautioned against assuming that any one or more of the following scenarios will be deemed sufficient in an actual case or controversy:

- *Demonstrable delay caused by an opposing party’s abuse of the discovery process. (The movant would fill out an attached sheet detailing the history of motions necessitated and delay caused by opposing party’s abuse of discovery procedures).*
- *Discovery time lost due to a stay of proceedings.*
- *Illness or death of a party or material witness, which directly and significantly affects an imminent deadline.*
- *Short-term disability or maternity leave of counsel where no other firm attorney is capable of assuming the representation.*
- *Information timely discovered requiring unanticipated further discovery that cannot be completed within existing deadlines.*
- *Late joinder of a party where the delay in joining the additional party is satisfactorily explained.*

Complex Litigation Center Programs

Motions for Extraordinary Relief may also be filed in Non-Jury, Arbitration Appeal, and Mass Tort cases.

After assignment to the team leader/coordinating judge, a Motion for Extraordinary Relief is disposed of, generally, within ten (10) days.

Commencing March 7, 2005, the following judicial assignments will be in effect:

<b>PROGRAM</b>	<b>TEAM LEADER/ COORDINATING JUDGE</b>
<b>Day Forward/Major Jury 2005</b>	<b>Judge Jacqueline Allen</b>
<b>Day Forward/Major Jury 2004</b>	<b>Judge Arnold L. New</b>
<b>Day Forward/Major Jury 2003</b>	<b>Judge Sandra Mazer Moss</b>
<b>Day Forward/Major Jury 2002</b>	<b>Judge Allan L. Tereshko</b>
<b>Day Forward/Major Jury 2001 and Back</b>	<b>Judge Sandra Mazer Moss</b>
<b>Commerce Program</b>	<b>Judges Sheppard/Jones/Abramson</b>
<b>Complex Litigation Center</b>	<b>Judge Norman Ackerman</b>
<b>Class Actions</b>	<b>Judge Mark I. Bernstein</b>

The Philadelphia Court of Common Pleas has embraced the standards set forth in 1986 by the American Bar Association Lawyers' Conference Task Force on Reduction of Litigation Cost and Delay:

“A. General Civil—90% of all civil cases should be settled, tried, or otherwise concluded within twelve months of the date of case filing; 98% within 18 months of such filing; and the remainder within 24 months of such filing, except for individual cases in which the Court determined exceptional circumstances exist and for which a continuing review should occur.”

The Philadelphia Bar Association's State Civil Committee, Plaintiffs' Trial Lawyers Association and the Association of Defense Counsel assisted the Court in the evaluation and adoption of these standards. Strong judicial oversight of the discovery deadline and other significant event dates is viewed as critical to the continued success of the timely resolution of civil litigation in this Court. With these important principles in mind, requests for extensions of court ordered deadlines should be avoided and utilized only as a last resort and with compelling reasons offered in support thereof.

**Motions to Proceed In Forma Pauperis**

Whenever an action is instituted wherein the Plaintiff, in lieu of tendering the required fee files a Petition to Proceed *In Forma Pauperis*, the following procedures will be adhered to:

- *The Complaint, or other original pleading and a Petition to Proceed In Forma Pauperis shall be received and given a court term and number.*
- *The Complaint, or other original pleading will be identified I.F.P. and the original along with attested copies for service by the Plaintiff will be maintained in the file jacket.*
- *At the time of filing the party shall be provided a copy of a notice advising them that if the petition is denied, the filing fees must be paid within ten (10) days.*
- *The original and all copies of the I.F.P. petition shall be returned to the filing party who shall be directed to the Civil Motions Program, Room 296 City Hall, to complete the filing of the petition so that it may be acted upon by the Court.*
- *When the Court has ruled on the petition, the Court's order shall be docketed and a copy of the order mailed to the party in accordance with the current practice.*
  - ❖ *If the petition is granted, the petitioner must appear and obtain the attested copies for service. If more than thirty (30) days has expired, the pleading must be reinstated first.*
  - ❖ *If the Petition is denied, the petitioner is reminded that the filing fee must be paid within thirty (30) days or the action or appeal will be dismissed.*

The following notice will be provided to the Plaintiff at the time of commencement of the action:

<p><b><u>IMPORTANT NOTICE</u></b></p> <p><b><u>FOR PROCEEDING IN FORMA PAUPERIS</u></b></p> <p>YOUR ACTION HAS BEEN COMMENCED SUBJECT TO THE COURT ACTING UPON YOUR PETITION TO PROCEED WITHOUT THE REQUIRED FILING FEES.</p> <p>IF THE COURT DENIES YOUR PETITION TO PROCEED WITHOUT PAYMENT OF FEES, YOU MUST PAY THE REQUIRED FEE WITHIN TEN (10) DAYS AFTER NOTICE OF THE DENIAL OF THE PETITION. YOU WILL NOT BE PERMITTED TO PROCEED WITH YOUR ACTION UNTIL SUCH FEES ARE PAID.</p> <p>IF THE REQUIRED FEES ARE NOT PAID WITHIN TEN (10) DAYS AFTER NOTICE OF THE DENIAL OF YOUR PETITION, THE PROTHONOTARY MAY ENTER A JUDGMENT OF NON PROS OR STRIKE YOUR APPEAL PURSUANT TO PA. RULES OF CIVIL PROCEDURE, RULE 240.</p> <p>IF YOUR PETITION IS DENIED, THE TOTAL FEE FOR YOUR ACTION WILL BE \$_____.</p>
--

Petitions to Proceed *In Forma Pauperis* must be filed with the Civil Motions Clerk in Room 296 City Hall, Philadelphia, Pa. These petitions will be assigned a control number and then

held for a period of ten (10) days in order to allow any opposing party to submit a response. At the end of the ten (10) day response time the petition, along with any responses thereto, will be assigned to the Supervising Judge of the Trial Division—Civil. Copies of the Motion to Proceed *In Forma Pauperis* are available in Room 296 City Hall, and may also be downloaded from the Court's website at <http://courts.phila.gov>. A copy of the Motion to Proceed *In Forma Pauperis* is included at the end of this section. (Document 9)

## **CITY OF PHILADELPHIA EQUITY CASES**

### **Lead Court Program**

The Lead Court Program was specially designed to manage the influx of lead contamination cases commenced by the City of Philadelphia pursuant to the Philadelphia Code of Ordinances: Health Code Title 6. These matters are commenced as Complaints in Civil Actions in Equity. The Lead Court Program is managed by the Office of Civil Administration and presided over by a Municipal Court judge presiding as a Common Pleas Court Judge. (*See Administrative Docket No. 05 of 1994*). A Rule for Injunction hearing is scheduled within forty-five (45) days from commencement, and these matters are generally disposed of within twelve (12) months.

Requests for continuance of a Lead Court Contamination hearing are to be made to the attention of Deborah Dailey, Manager, Office of Civil Administration, or Melissa Graham, Legal Clerk, Room 296, City Hall, Philadelphia PA 19107. You may fax a copy of the continuance request to 215-686-8397.

A copy of Administrative Docket No. 05 of 1994 is included at the end of this section. (Document 10)

### **Code Enforcement Cases**

The Code Enforcement cases are commenced by the City of Philadelphia as Complaints in Civil Actions in Equity pursuant to the Philadelphia Code of Ordinances. These cases involve all code violations other than lead contamination. The Code Enforcement Cases are managed by the Office of Civil Administration and presided over by a Municipal Court judge presiding as a Common Pleas Court Judge. (*See Administrative Docket No. 05 of 1994*). A Rule for Injunction hearing is scheduled within forty-five (45) days from commencement. These matters are closely monitored by the City and the presiding judge until final resolution of all violations.

Requests for continuance of a Code Enforcement hearing are to be made to the attention of Deborah Dailey, Manager, Office of Civil Administration, or Melissa Graham, Legal Clerk, Room 296, City Hall, Philadelphia PA 19107. You may fax a copy of the continuance request to 215-686-8397.

## **MUNICIPAL COURT APPEALS**

### **Motions**

**Denial to Open Default Judgment:** Motions filed in Municipal Court Appeals from *Denial to Open Default Judgment* are assigned to the Civil Motions Judges for review and disposition pursuant to Phila. R.Civ.P. 313.

**Landlord/Tenant:** Discovery and Non-Discovery Motions which are filed in Municipal Court Appeals from *Landlord/Tenant* actions, will be assigned to a judge of the Municipal Court who has been assigned to preside as a judge of the Court of Common Pleas. (*See Administrative Docket No. 05 of 1994*).

**Money Judgment:** Non-Discovery Motions which are filed in Municipal Court Appeals from *Money Judgment* actions will be assigned to the Civil Motions Judges. Discovery motions in Money Judgment actions are to be filed through the Discovery Program.

**Code Enforcement:** Discovery and Non-Discovery Motions which are filed in Municipal Court Appeals from *Code Enforcement* actions, will be assigned to a judge of the Municipal Court who has been assigned to preside as a judge of the Court of Common Pleas. (*See Administrative Docket No. 05 of 1994*).

### **Municipal Court Appeal Process and Procedure:**

#### **In All Cases**

In residential landlord-tenant cases, either party has ten (10) days to appeal the decision of the Municipal Court, and in nonresidential landlord-tenant cases and small claims cases, either party has thirty (30) days to appeal the decision of the Municipal Court to the Court of Common Pleas by filing a Notice of Appeal with the Prothonotary of the Court of Common Pleas, Room 278 City Hall. An attested copy of the Notice of Appeal must be served within twenty (20) days on all parties and their counsel, and a copy must be served on the Deputy Court Administrator of the Municipal Court, Room 580, 34 S. 11<sup>th</sup> Street, Philadelphia PA 19107 **at once**, or the appeal is not perfected.

If you were the Plaintiff in the Municipal Court and are served with a Notice of Appeal, you must file with the Prothonotary a copy of the Municipal Court Landlord-Tenant Complaint, or a new Complaint in conformity with the Rules of Civil Procedure of the Court of Common Pleas, endorsed with a Notice to Plead, within twenty (20) days and serve a copy on all parties and counsel. If the plaintiff in the Municipal Court is the appealing party, these documents should be filed with the Prothonotary at the time the appeal is taken or within twenty (20) days thereafter and a copy served as indicated.

If you were the Defendant in the Municipal Court and are served with a Notice of Appeal and a Complaint endorsed with a Notice to Plead, you **MUST** file an Answer or other responsive pleading in conformity with the Rules of Civil Procedure of the Court of Common Pleas with

the Prothonotary within twenty (20) days and serve a copy on all parties and counsel. See Phila. Rules of Civil Procedure, Rules 310-312.

At the time of filing of an Appeal from a Money Judgment the matter will be scheduled for an Arbitration Hearing.

### **In Landlord-Tenant Cases**

If you are a tenant and you take an appeal, you must comply with this Court's escrow requirements in order to maintain the supersedeas (i.e., the right to remain in possession of the property until the appeal is decided). At the time you file the Notice of Appeal with the Prothonotary, ***you must pay an amount of money equal to three (3) months' rent or the amount of rent awarded to the landlord in the Municipal Court, whichever is less. This money must be placed in escrow with the Prothonotary, Room 282 City Hall, and thereafter, you must pay the rent for each successive month until the date of trial into that same escrow account with the Prothonotary, Room 282 City Hall. You must make these ongoing monthly payments in thirty (30) day intervals.*** For example, suppose your monthly rent is \$300 and the landlord won \$1,000 for back rent in Municipal Court. You file your Notice of Appeal on the fifteenth day of a month. When you file the Notice of Appeal, you will need to pay \$900 (three months' rent, since that amount is less than the \$1,000 judgment) into escrow with the Prothonotary. In addition, when the fifteenth of the next month arrives, you will need to pay another \$300 into that escrow account. You will then need to pay the \$300 on the fifteenth day of each successive month until your trial date.

You are required to serve an attested copy of your appeal upon the Municipal Court Administrator in order to preserve the supersedeas. Failure to comply with these rules may result in your eviction from the premises before your appeal is heard by the Court. See Phila. Rules of Civil Procedure, Rules 310-312.

Appeals from Landlord/Tenant judgments will be scheduled for trial before a Judge of the Municipal Court who has been assigned to preside as a Judge of the Court of Common Pleas. See Administrative Docket No. 05 of 1994. These matters will be heard on Mondays in Courtroom 446, City Hall, Philadelphia, Pa.

### **In Appeals from Denial to Open Default Judgment**

***Appeals from Municipal Court from Denial to Open Default Judgment are governed by Philadelphia Rule of Civil Procedure, Rule 313 and Administrative Docket 5 of 1994.***

If you are filing a Notice of Appeal from Municipal Court from an order denying or granting a Petition to Open a Default Judgment, you **MUST** first file the appeal with the Prothonotary, Room 280, City Hall, AND you must also file a Petition to Open the Default Judgment with the Court of Common Pleas, Civil Administration/Civil Motions Program, Room 296 City Hall. The fee for filing a motion is \$30, made payable to the Prothonotary, Room 282 City Hall. The petition package should conform to Phila. Rule of Civil Procedure, Rule \*208.3.

Upon filing, the petition will be held by the Civil Motions Program in Room 296 City Hall, for a period of twenty (20) days to allow the opposing party to file a response. Thereafter, the petition will be assigned to a Civil Motions Judge of the Civil Trial Division.

The filing of a Petition to Open the Default Judgment does **NOT** act as a supersedeas. If you are seeking a stay of a writ of execution or possession, you **MUST** file a separate motion package (Motion to Stay Writ of Execution/Possession pending the outcome of the Petition to Open Default Judgment) seeking this relief with the Civil Motions Clerk in Room 296, City Hall.

Each motion package shall be filed separately and is subject to a \$30 filing fee.

The motion filing fees will only be waived if you are also filing a Petition to Proceed *In Forma Pauperis*. There is a separate motion package for Petitions to Proceed *In Forma Pauperis* which is available in Room 296 City Hall, or online at <http://courts.phila.gov>.

The Appeal from a Municipal Court Denial to Open Default Judgment shall be limited to a determination by the Court as to whether the Municipal Court committed an error of law or abused its discretion in ruling upon the petition or motion which is the subject of the appeal.

Upon the filing of the order of the Court of Common Pleas, the action shall be remanded to the Municipal Court for further processing consistent with the order. See Phila. Rules of Civil Procedure, Rules 310, 313.

The Petition to Open Default Judgment (from Municipal Court Denial to Open Default Judgment) should include, but is not limited to, the following:

- *Petition/Motion Cover Sheet (completed and signed by filing party);*
- *Proposed Order (containing no reference to the attorney proposing same);*
- *Rule to Show Cause;*
- *Petition (numbered paragraphs and signed by filing party);*
- *Certificate of Service;*
- *Stamped, addressed envelopes for all counsel and unrepresented parties*

Exhibits should include, but are not limited to, the following:

- *Copy of Notice of Appeal from Municipal Court*
- *Copy of Petition and Order denying the Municipal Court Petition to Open Default Judgment;*
- *Copy of the Statement of Claim, the Landlord/Tenant Complaint, or Code Enforcement Complaint which was filed in the Municipal Court;*
- *Copy of Municipal Court Civil Docket report;*
- *Any stenographic record of the proceeding before the Municipal Court within thirty (30) days after it has been transcribed;*
- *Copy of any other document or item necessary or relevant to the disposition of the issues.*

All documents or items shall be included or attached and marked as exhibits separately.

The Court may decide any matter against a party who fails to attach to the filing those items sufficient to enable the Court to determine the matter.

A copy of Philadelphia Rules of Civil Procedure 310, 311, 312, and 313 are included at the end of this section. (Document 11)

### **STATUTORY APPEALS PROGRAM**

The Statutory Appeals Program of the Philadelphia Court of Common Pleas includes all appeals from adjudications of state and local administrative agencies filed in the Philadelphia Court of Common Pleas, and all business tax collection cases brought by the City of Philadelphia.

The Statutory Appeals Program is presided over by the Civil Motions Judges. Statutory Appeals Program hearings are conducted in Courtroom 426, City Hall, Philadelphia, PA.

Upon the filing of an appeal from an administrative agency adjudication, the Prothonotary automatically issues a Standing Case Management Order. The Case Management Order sets forth the date, time, and place of the status conference, as well as other relevant information, including requirements for service of the appeal and a description of the motion practice. Agency-specific forms are used for appeals from the Board of Revision of Taxes, the Civil Service Commission, the Pennsylvania Department of Transportation, the Tax Review Board and the Zoning Board of Adjustment. A general "Other Agency" form is used in appeals from the large number of state and local agencies also included in this program. At the status conference, appellant and appellee are expected to make a brief presentation about the underlying factual basis for the appeal and the nature of any past hearings. At the conclusion of this conference, the parties are given an Order that sets dates for future events in the litigation and contains information about relevant practices, requirements, and procedures.

If a record exists of the proceeding at the agency level, the judge is likely to enter a Scheduling Order at the status conference. The Court's Scheduling Order sets dates for the agency to produce a transcript of its hearing and to file its record of the proceeding with the court, for appellant(s) to file a brief in support of the appeal, for the appellee(s) and intervenor(s) to file a brief opposing the appeal and a date on which legal argument shall take place.

If a full record has not been made of the proceedings below, and a *de novo* trial of the relevant issues is required, the judge will enter an order setting forth discovery deadlines and a date for trial.

Continuances of Statutory Appeals Hearings All requests for continuances of Statutory Appeals hearings are to be made by completing the Statutory Appeals Continuance

Application form, and filing same with the Civil Motions Clerk in Room 296 City Hall. Upon receipt, the request for a continuance will be docketed by the Civil Motions Program and forwarded to the appropriate motions judge for review and approval. Upon disposition of the continuance request, a copy of the judge's order will be forwarded to the party requesting the continuance. It is the requesting party's obligation to serve a copy of the continuance request and order upon opposing counsel/unrepresented party. The disposition of the Statutory Appeals Continuance Application is processed and docketed by the Civil Motions Program. A copy of the Statutory Appeals Continuance Application is included at the end of this section. (Document 12)

**City Business Tax Cases**

The Civil Motions Judges preside over civil suits instituted for the collection of outstanding business, wage or other taxes that are due and owing to the City of Philadelphia. While cases that involve less than \$50,000 are automatically diverted to arbitration, matters asserting greater tax indebtedness are listed directly before the judges.

When a City Business Tax case is commenced, the Prothonotary automatically lists the matter for a status conference. At the conference, the presiding motions judge will typically explore the possibility of settlement. In the event settlement seems unlikely, the court issues a Case Management Order that explains the procedures governing these actions, sets discovery deadlines, and lists the matter for trial.

*Prepared by:*

*Deborah E. Dailey, Manager  
Office of Civil Administration*

**TRIAL DIVISION—CIVIL  
MOTION ASSIGNMENT MATRIX  
2005**

**The Civil Motions Filing Clerk is located in Room 296, City Hall.  
All Motions/Petitions shall be assigned in accordance with the following Matrix:**

<b>PROGRAM/FILING TYPE</b>	<b>JUDICIAL ASSIGNMENT</b>
<b>MAJOR JURY PROGRAMS</b>	
Day Forward 2001 and Back	Judge Moss
Day Forward 2002	Judge Tereshko
Day Forward 2003	Judge Moss
Day Forward 2004	Judge New
Day Forward 2005	Judge Allen
<b>PROGRAMS OTHER THAN MAJOR JURY</b>	
Commerce Program	Judge Sheppard/Judge Abramson/Judge Jones
Non Jury Program	Judge Glazer/Judge Dych/Judge Ackerman
Compulsory Arbitration	Judge Glazer/Judge Dych
Post Arbitration & Arbitration Appeal	Judge Glazer/Judge Dych/Judge Ackerman
Mass Tort Program	Judge Ackerman
Class Actions	Judge Bernstein
Municipal Court Appeals from <b>Denial to Open Default Judgment</b>	Judge Glazer/Judge Dych
Municipal Court Appeals ( <b>Money Judgment</b> )	Judge Glazer/Judge Dych
Municipal Court Appeals ( <b>Landlord Tenant</b> )	Municipal Court Judges
<b>SPECIFIC MOTIONS/PETITIONS</b>	
Wrongful Death & Minor's Compromise	Orphans' Court Judges
Motions to Consolidate	Assigned in Accordance with Administrative Docket No. 3 of 1996, as revised at Administrative Docket No. 05 of 2005.
Motions to Enforce Settlement	Assigned to the judge who approved or was involved in effecting the settlement.
Motions for Reconsideration	Assigned to the judge who entered the order to be reconsidered.
Preliminary Injunctions (Non-Commerce)	Judge Glazer/Judge Dych
Preliminary Injunctions (Commerce)	Judge Sheppard/Judge Abramson/Judge Jones
Preliminary Injunctions (Major Jury)	Major Jury Team Leader
Discovery Motions	Scheduled consistent with Judicial Team Leader assignments to Discovery Court.
<b>The following Motions/Petitions shall be assigned to the Administrative Judge/Supervising Judge <i>regardless</i> of any program designation:</b>	
<ul style="list-style-type: none"> <li>▪ Motions for Assignment to an Individual Judge</li> <li>▪ Motions for Advancement on the Trial List</li> <li>▪ Petitions to Appoint Neutral Arbitrator</li> <li>▪ Petitions to Compel Arbitration</li> <li>▪ Motions to Proceed <i>In Forma Pauperis</i></li> </ul>	

**Section 7, Document 1**

**LOCAL RULES ADOPTED  
BY THE BOARD OF JUDGES  
COURT OF COMMON PLEAS OF  
PHILADELPHIA COUNTY**

**May 20, 2004**

<b>New Philadelphia Local Rule</b>	<b>Title</b>
<b>*205.2 (a)</b>	<b>Pleadings</b>
<b>*205.2 (b)</b>	<b>Cover Sheet</b>
<b>*206.1 (a)</b>	<b>Designation of Petitions</b>
<b>*206.4 (c)</b>	<b>Rule to Show Cause. Issuance as of Course</b>
<b>*208.2 (c)</b>	<b>Briefing Requirement</b>
<b>*208.2 (d)</b>	<b>N/A</b>
<b>*208.2 (e)</b>	<b>Certification of Good Faith Attempt to Amicably Resolve Discovery Motions.</b>
<b>*208.3(a)</b>	<b>Motions Initially Considered Without Written Response or Briefs</b>
<b>*208.3(b)</b>	<b>Motions Considered After Response Period. Briefs</b>
<b>*210</b>	<b>Brief</b>
<b>*1028(c)</b>	<b>Preliminary Objections</b>
<b>*1034(a)</b>	<b>Motion for Judgment on the Pleadings</b>
<b>*1035.2(a)</b>	<b>Motion for Summary Judgment</b>

## **Philadelphia Civil Rule \* 205.2**

**Rule \* 205.2 (a). Pleadings.** No pleading or other legal paper that complies with the Pennsylvania Rules of Civil Procedure shall be refused for filing by the Prothonotary. All papers filed with the Prothonotary shall conform to the following requirements:

- (1) Pleadings, opinions, briefs and other papers and records which are to be filed with the Prothonotary shall be prepared on letter size (approximately 8 1/2" x 11") paper of customary weight and quality.
- (2) The margin on all papers shall be not less than 3/4" on the left side of the page and 1/4" on the right side of the page and the material shall be double spaced.
- (3) The first paper filed by, or on behalf of, a party in a case shall have endorsed thereon an address in the Commonwealth and, as authorized by Pa.R.C.P. No. 205.4(g)(2), an electronic mail address at which all papers and notices thereafter may be served upon the party or counsel.
- (4) The first page shall contain a 3" space from the top of the page for all stampings, filing notices, waivers and demands for a jury trial and notations. Beginning at the left-hand margin 3" from the top of the page, the attorney name, electronic mail address, attorney identification number, firm name, address, and telephone number shall appear in that order. To the right of the attorney's address, the client's name shall appear. The size of lettering shall not be less than ten points.
- (5) The case caption shall appear below the attorney address at the left-hand margin of the page with the proper Court term and number appearing to the right-hand margin.
- (6) The complaint or other original filing shall contain in the caption the addresses, including zip codes, of all parties.
- (7) Whenever any right, claim or defense is asserted to be founded upon a specific statute of this or another jurisdiction or upon an ordinance, governmental regulation or rule of Court, the first pleading in which such right, claim or defense is asserted shall cite, for the information of the Court, the statute, ordinance, regulation or rule to be relied upon.
- (8) Whenever money damages in a sum certain are claimed, the pleading shall state the precise amount, and the date or dates from which any interest thereon is claimed.
- (9) In actions in which book accounts may be offered in evidence, if a copy thereof is attached to any pleading, it shall not be necessary to produce the books at the trial, unless a responsive pleading shall allege that the account or copy is incorrect, stating particulars, or that the books are not books of original entry and shall demand the

production of the books at the trial; otherwise, the copy shall be admitted as evidence without further proof.

(10) Pleadings amended before trial shall be executed, verified and filed in their amended form. If amendments to pleadings are required to be attached to any brief or other document, they shall be set forth as amended to date.

**Rule \* 205.2 (b). Cover Sheet.**

**(1) Initial Pleading.** Any document commencing an action must have attached to it a *Civil Cover Sheet*, in a form provided by the Prothonotary as approved and modified from time to time by the Administrative Judge or his/her designee. A Civil Cover Sheet must also be filed together with Objections to Sheriff's Determination of Title filed pursuant to Pa.R.C.P. 3201, et seq.

(i) **Failure to Attach Cover Sheet.** If the Civil Cover Sheet is not attached as required, the Prothonotary shall accept the document for filing if it otherwise complies with all applicable state rules; provided, however, that the Prothonotary shall endorse on the original pleading, and all file-stamped copies, the following: "The filing party shall submit a Civil Cover Sheet as required by Phila. Civ.R. \*205.2 (b) within 20 days or shall suffer appropriate sanctions." The file-stamped copies shall be returned to the filing party for service.

(ii) **Sanctions.** In the event the Civil Cover Sheet is not submitted as required, the Court may impose any authorized sanctions including non pros against the filing party. The Court may also impose any appropriate sanctions if the information set forth in the Civil Cover Sheet is determined to be false or misleading.

**(2) Petitions or Motions.** A *Petition/Motion Cover Sheet*, in a form provided by the Court as approved and modified from time to time by the Administrative Judge or his/her designee, must be attached to all Petitions, Motions, Answers and Responses, except for Discovery Motions and Motions for Extraordinary Relief, and Responses thereto.

Court of Common Pleas of Philadelphia County  
 Trial Division  
**Civil Cover Sheet**

For Prothonotary Use Only (Docket Number)

PLAINTIFF'S NAME	DEFENDANT'S NAME
PLAINTIFF'S ADDRESS	DEFENDANT'S ADDRESS
PLAINTIFF'S NAME	DEFENDANT'S NAME
PLAINTIFF'S ADDRESS	DEFENDANT'S ADDRESS
PLAINTIFF'S NAME	DEFENDANT'S NAME
PLAINTIFF'S ADDRESS	DEFENDANT'S ADDRESS

TOTAL NUMBER OF PLAINTIFFS	TOTAL NO. OF DEFENDANTS	COMMENCEMENT OF ACTION <input type="checkbox"/> Complaint <input type="checkbox"/> Petition Action <input type="checkbox"/> Notice of Appeal <input type="checkbox"/> Writ of Summons <input type="checkbox"/> Transfer From Other Jurisdictions
----------------------------	-------------------------	--

AMOUNT IN CONTROVERSY <input type="checkbox"/> \$50,000.00 or less <input type="checkbox"/> More than \$50,000.00	COURT PROGRAMS <table style="width: 100%;"> <tr> <td><input type="checkbox"/> Arbitration</td> <td><input type="checkbox"/> Mass Tort</td> <td><input type="checkbox"/> Commerce</td> <td><input type="checkbox"/> Settlement</td> </tr> <tr> <td><input type="checkbox"/> Jury</td> <td><input type="checkbox"/> Savings Action</td> <td><input type="checkbox"/> Minor Court Appeal</td> <td><input type="checkbox"/> Minors</td> </tr> <tr> <td><input type="checkbox"/> Non-Jury</td> <td><input type="checkbox"/> Petition</td> <td><input type="checkbox"/> Statutory Appeals</td> <td><input type="checkbox"/> W/D/Survival</td> </tr> <tr> <td colspan="4"><input type="checkbox"/> Other: _____</td> </tr> </table>	<input type="checkbox"/> Arbitration	<input type="checkbox"/> Mass Tort	<input type="checkbox"/> Commerce	<input type="checkbox"/> Settlement	<input type="checkbox"/> Jury	<input type="checkbox"/> Savings Action	<input type="checkbox"/> Minor Court Appeal	<input type="checkbox"/> Minors	<input type="checkbox"/> Non-Jury	<input type="checkbox"/> Petition	<input type="checkbox"/> Statutory Appeals	<input type="checkbox"/> W/D/Survival	<input type="checkbox"/> Other: _____			
<input type="checkbox"/> Arbitration	<input type="checkbox"/> Mass Tort	<input type="checkbox"/> Commerce	<input type="checkbox"/> Settlement														
<input type="checkbox"/> Jury	<input type="checkbox"/> Savings Action	<input type="checkbox"/> Minor Court Appeal	<input type="checkbox"/> Minors														
<input type="checkbox"/> Non-Jury	<input type="checkbox"/> Petition	<input type="checkbox"/> Statutory Appeals	<input type="checkbox"/> W/D/Survival														
<input type="checkbox"/> Other: _____																	

CASE TYPE AND CODE (SEE INSTRUCTIONS)

STATUTORY BASIS FOR CAUSE OF ACTION (SEE INSTRUCTIONS)

RELATED PENDING CASES (LIST BY CASE CAPTION AND DOCKET NUMBER)	IS CASE SUBJECT TO COORDINATION ORDER?  <table style="width: 100%; text-align: center;"> <tr> <td>Yes</td> <td>No</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </table>	Yes	No	<input type="checkbox"/>					
Yes	No								
<input type="checkbox"/>	<input type="checkbox"/>								
<input type="checkbox"/>	<input type="checkbox"/>								
<input type="checkbox"/>	<input type="checkbox"/>								

**TO THE PROTHONOTARY:**  
 Kindly enter my appearance on behalf of Plaintiff/Petitioner/Appellant:  
 Papers may be served at the address set forth below.

NAME OF PLAINTIFF'S/PETITIONER'S/APPELLANT'S ATTORNEY	ADDRESS (SEE INSTRUCTIONS)	
PHONE NUMBER	FAX NUMBER	
SUPREME COURT IDENTIFICATION NO.	E-MAIL ADDRESS	
SIGNATURE	DATE	

# Instructions for Completing Civil Cover Sheet

Rules of Court require that a Civil Cover Sheet be attached to any document commencing an action (whether the action is commenced by Complaint, Writ of Summons, Notice of Appeal, or by Petition). The information requested is necessary to allow the Court to properly monitor, control and dispose cases filed. A copy of the Civil Cover Sheet must be attached to service copies of the document commencing an action. The attorney or non-represented party filing a case shall complete the form as follows:

## A. Parties

### i. Plaintiffs/Defendants

Enter names (last, first, middle initial) of plaintiff, petitioner or appellant ("plaintiff") and defendant. If the plaintiff or defendant is a government agency or corporation, use the full name of the agency or corporation. In the event there are more than three plaintiffs and/or three defendants, list the additional parties on the Supplemental Parties Form. Husband and wife are to be listed as separate parties.

### ii. Parties' Addresses

Enter the address of the parties at the time of filing of the action. If any party is a corporation, enter the address of the registered office of the corporation.

iii. *Number of Plaintiffs/Defendants*: Indicate the total number of plaintiffs and total number of defendants in the action.

**B. Commencement Type:** Indicate type of document filed to commence the action.

**C. Amount in Controversy:** Check the appropriate box.

**D. Court Program:** Check the appropriate box.

**E. Case Types:** Insert the code number and type of action by consulting the list set forth hereunder. To perfect a jury trial, the appropriate fees must be paid as provided by rules of court.

### Proceedings Commenced by Appeal

#### Minor Court

- 5M Money Judgment
- 5L Landlord and Tenant
- 5D Denial Open Default Judgment
- 5E Code Enforcement
- Other:

#### Local Agency

- 5B Motor Vehicle Suspension -  
Breathalyzer
- 5V Motor Vehicle Licenses,  
Inspections, Insurance
- 5C Civil Service
- 5K Philadelphia Parking Authority
- 5Q Liquor Control Board
- 5R Board of Revision of Taxes
- 5X Tax Assessment Boards
- 5Z Zoning Board
- 52 Board of View
- 51 Other:

Other:

### Proceedings Commenced by Petition

- 8P Appointment of Arbitrators
- 8C Name Change - Adult
- 8L Compel Medical Examination
- 8D Eminent Domain
- 8E Election Matters
- 8F Forfeiture
- 8S Leave to Issue Subpoena
- 8M Mental Health Proceedings
- 8G Civil Tax Case - Petition
- Other:

### Actions Commenced by Writ of Summons or Complaint

#### Contract

- 1C Contract
- 1T Construction
- 1O Other:

#### Tort

- 2B Assault and Battery
- 2L Libel and Slander
- 4F Fraud
- 1J Bad Faith
- 2E Wrongful Use of Civil Process
- Other:

#### Negligence

- 2V Motor Vehicle Accident
- 2H Other Traffic Accident
- 1F No Fault Benefits
- 4M Motor Vehicle Property Damage
- 2F Personal Injury - FELA
- 2O Other Personal Injury
- 2S Premises Liability - Slip & Fall
- 2P Product Liability
- 2T Toxic Tort
- T1 Asbestos*
- TZ DES*
- T2 Implant*
- 3E Toxic Waste
- Other:

#### Professional Malpractice

- 2D Dental
- 4L Legal
- 2M Medical
- 4Y Other:
- 1G Subrogation

#### Equity

- E1 No Real Estate
- E2 Real Estate
- 1D Declaratory Judgment
- M1 Mandamus
- Real Property
- 3R Rent, Lease, Ejectment
- Q1 Quiet Title
- 3F Mortgage Foreclosure
- 1L Mechanics Lien
- P1 Partition
- Prevent Waste
- 1V Replevin
- 1H Civil Tax Case - Complaint
- Other:

## F. Commerce Program

Commencing January 3, 2000 the First Judicial District instituted a Commerce Program for cases involving corporations and corporate law issues, in general. If the action involves corporations as litigants or is deemed a Commerce Program case for other reasons, please check this block AND complete the information on the "Commerce Program Addendum". For further instructions, see Civil Trial Division Administrative Docket 01 of 1999.

## G. Statutory Basis for Cause of Action

If the action is commenced pursuant to statutory authority ("Petition Action"), the specific statute must be identified.

## H. Related Pending Cases

All previously filed related cases, regardless of whether consolidated by Order of Court or Stipulation, must be identified.

## I. Plaintiff's Attorney

The name of plaintiff's attorney must be inserted herein together with other required information. In the event the filer is not represented by an attorney, the name of the filer, address, the phone number and signature is required.

**The current version of the Civil Cover Sheet may be downloaded from the FJD's website**

**<http://courts.phila.gov>**

EXHIBIT A

**COMMERCE PROGRAM ADDENDUM  
TO CIVIL COVER SHEET**

This case *is* subject to the Commerce Program because it is not an arbitration matter and it falls within one or more of the following types (check all applicable):

- 1. Actions relating to the internal affairs or governance, dissolution or liquidation, rights or obligations between or among owners (shareholders, partners, members), or liability or indemnity of managers (officers, directors, managers, trustees, or members or partners functioning as managers) of business corporations, partnerships, limited partnerships, limited liability companies or partnerships, professional associations, business trusts, joint ventures or other business enterprises, including but not limited to any actions involving interpretation of the rights or obligations under the organic law (e.g., Pa. Business Corporation Law), articles of incorporation, by-laws or agreements governing such enterprises;
- 2. Disputes between or among two or more business enterprises relating to transactions, business relationships or contracts between or among the business enterprises. Examples of such transactions, relationships and contracts include:
  - a. Uniform Commercial Code transactions;
  - b. Purchases or sales of business or the assets of businesses;
  - c. Sales of goods or services by or to business enterprises;
  - d. Non-consumer bank or brokerage accounts, including loan, deposit cash management and investment accounts;
  - e. Surety bonds;
  - f. Purchases or sales or leases of, or security interests in, commercial, real or personal property; and
  - g. Franchisor/franchisee relationships.
- 3. Actions relating to trade secret or non-compete agreements;
- 4. "Business torts," such as claims of unfair competition, or interference with contractual relations or prospective contractual relations;
- 5. Actions relating to intellectual property disputes;
- 6. Actions relating to securities, or relating to or arising under the Pennsylvania Securities Act;
- 7. Derivative actions and class actions based on claims otherwise falling within these ten types, and consumer class actions other than personal injury and products liability claims;
- 8. Actions relating to corporate trust affairs;
- 9. Declaratory judgment actions brought by insurers, and coverage dispute and bad faith claims brought by insureds, where the dispute arises from a business or commercial insurance policy, such as a Commercial General Liability policy;
- 10. Third-party indemnification claims against insurance companies where the subject insurance policy is a business or commercial policy and where the underlying dispute would otherwise be subject to the Commerce Program, not including claims where the underlying dispute is principally a personal injury claim.

*Instructions:* Please see Commerce Case Management Program: Procedure for Disposition of Commerce Program Cases Filed On and After January 1, 2000. Arbitration matters are not subject to the Commerce Program. Note that the following types of matters are **not** to be included in the Commerce Program:

1. Matters subject to Compulsory Arbitration in this Court or to the jurisdiction of the Municipal Court, including any appeals.
2. Personal injury, survival or wrongful death matters.
3. Individual (non-class) consumer claims against businesses or insurers, including products liability and personal injury cases.
4. Matters involving occupational health or safety.
5. Environmental claims not involved in the sale or disposition of a business and other than those addressed in Commerce Program types 9 or 10 above.
6. Matters in eminent domain.
7. Malpractice claims, other than those brought by business enterprises against attorneys, or accountants, architects or other professionals in connection with the rendering of professional services to the business enterprise.
8. Employment law cases, other than those referenced in Commerce Program type 3 above.
9. Administrative agency, tax, zoning and other appeals.
10. Petition Actions in the nature of Change of Name, Mental Health Act Petitions, Petitions to Appoint an Arbitrator, Government Election Matters, Leave to Issue Subpoena, Compel Medical Examination.
11. Individual residential real estate and non-commercial landlord-tenant disputes.
12. Domestic relations matters, and actions relating to distribution of marital property, custody or support.
13. Any matter required by statute, including 20 Pa. C.S. Chapter 7, §§ 711 & 713, to be heard in the Orphans' Court or Family Court Division of the Philadelphia Court of Common Pleas, or other matter which has heretofore been within the jurisdiction of the Orphans' Court or Family Court Division of this Court.
14. Any criminal matter other than criminal contempt in connection with a Commerce Program action.
15. Such other matters as the Court shall determine.

PHILADELPHIA COURT OF COMMON PLEAS  
**PETITION/MOTION COVER SHEET**

CONTROL NUMBER:  <b>(RESPONDING PARTIES MUST INCLUDE THIS NUMBER ON ALL FILINGS)</b>
--

FOR COURT USE ONLY	
ASSIGNED TO JUDGE:	ANSWER/RESPONSE DATE:
<i>Do not send Judge courtesy copy of Petition/Motion/Answer/Response. Status may be obtained online at <a href="http://courts.phila.gov">http://courts.phila.gov</a></i>	

\_\_\_\_\_ Term, \_\_\_\_\_  
 \_\_\_\_\_ Month \_\_\_\_\_ Year  
 No. \_\_\_\_\_

Name of Filing Party: \_\_\_\_\_  
 \_\_\_\_\_  
 (Check one)  Plaintiff  Defendant  
 (Check one)  Movant  Respondent

\_\_\_\_\_  
 vs.  
 \_\_\_\_\_

**INDICATE NATURE OF DOCUMENT FILED:**

- Petition (Attach Rule to Show Cause)  Motion  
 Answer to Petition  Response to Motion

Has another petition/motion been decided in this case?  Yes  No  
 Is another petition/motion pending?  Yes  No  
 If the answer to either question is yes, you must identify the judge(s): \_\_\_\_\_

TYPE OF PETITION/MOTION (see list on reverse side)	PETITION/MOTION CODE (see list on reverse side)
--	---

**I. CASE PROGRAM**  
 Is this case in the (answer all questions):

**A. COMMERCE PROGRAM**  
 Name of Judicial Team Leader: \_\_\_\_\_  
 Applicable Petition/Motion Deadline: \_\_\_\_\_  
 Has deadline been previously extended by the Court?  
 Yes  No

**B. DAY FORWARD/MAJOR JURY PROGRAM** — Year \_\_\_\_\_  
 Name of Judicial Team Leader: \_\_\_\_\_  
 Applicable Petition/Motion Deadline: \_\_\_\_\_  
 Has deadline been previously extended by the Court?  
 Yes  No

**C. NON JURY PROGRAM**  
 Date Listed: \_\_\_\_\_

**D. ARBITRATION PROGRAM**  
 Arbitration Date: \_\_\_\_\_

**E. ARBITRATION APPEAL PROGRAM**  
 Date Listed: \_\_\_\_\_

**F. OTHER PROGRAM:** \_\_\_\_\_  
 Date Listed: \_\_\_\_\_

**II. PARTIES**  
 (Name, address and **telephone number** of all counsel of record and unrepresented parties. Attach a stamped addressed envelope for each attorney of record and unrepresented party.)

**III. OTHER**

By filing this document and signing below, the moving party certifies that this motion, petition, answer or response along with all documents filed, will be served upon all counsel and unrepresented parties as required by rules of Court (see PA. R.C.P. 206.6, Note to 208.2(a), and 440). Furthermore, moving party verifies that the answers made herein are true and correct and understands that sanctions may be imposed for inaccurate or incomplete answers.

\_\_\_\_\_  
 (Attorney Signature/Unrepresented Party) (Date) (Print Name) (Attorney I.D. No.)

**The Petition, Motion and Answer or Response, if any, will be forwarded to the Court after the Answer/Response Date. No extension of the Answer/Response Date will be granted even if the parties so stipulate.**

## Instructions for Completing Petition/Motion Cover Sheet

A *Petition/Motion Cover Sheet* must be attached to all Petitions, Motions, Answers or Responses filed, except for Discovery Motions and Motions for Extraordinary Relief. Sanctions will be imposed if the Cover Sheet is inaccurately completed.

### Please Note the following:

1. **ANSWER or RESPONSE DATE.** The Motion Clerk shall enter the “Answer” or “Response” Date on the *Cover Sheet*. All Responses to Motions and Answers to Petitions must be filed with the Prothonotary and submitted to the Motion Clerk on or before the Response Date. **Note:** Summary Judgment Motions have a 30 day Response period. Except for those Motions identified in Phila.Civ.R. \*208.3(a) and (b), all other Motions have a 20 day Response period.
2. **ARGUMENT DATE.** The Motion Clerk shall enter the Argument Date and location on the *Cover Sheet*, as appropriate.
3. **CONTROL NUMBER.** The Motion Clerk shall assign a Control Number to all Petitions and Motions. The Responding parties **must** enter this Control Number on the Cover Sheet accompanying their Answer or Response.
4. **NATURE OF DOCUMENT FILED.** The filing party must check whether the document being filed is a Petition (in which case a **Rule to Show Cause Order** must be attached), a Motion, an Answer to a Petition, or a Response to a Motion. The parties must indicate whether another Petition or Motion is outstanding or has been decided and, if so, must identify the Judge(s) to whom such prior Petitions or Motions had been assigned.
5. **PETITION OR MOTION TYPES.** The parties **must** utilize the following **Petition or Motion Codes and Types** (and the Motion Clerk is authorized to change a filing party’s designation to reflect the correct Petition or Motion Code and Type):

<u>Code</u>	<u>Motions</u>	<u>Code</u>	<u>Motions</u>	<u>Code</u>	<u>Motions</u>
MTSAL	Motion for Additional Distribution of Sale Proceeds	MTEST	Motion to Enforce Settlement	MTOPT	Motion to Remove Opt-Out of the Proposed Settlement Agreement (Class Action Cases)
MTPHV	Motion for Admission Pro Hac Vice	MTJDG	Motion for Entry of Default Judgment	MTRWT	Motion to Return Writ of Possession or Execution
MTSVR	Motion for Alternative Service	MTJNP	Motion for Entry of Judgment of Non Pros	MTSAN	Motion for Sanctions
MTAMJ	Motion to Amend Judgment	MTSUP	Motion for Entry of Supersedeas	MT229	Motion for Sanctions for Failure to Deliver Settlement Funds
MTAMD	Motion to Amend Pleading	MTEXP	Motion for Expungement of Record	MTSAS	Motion to Set Aside Sheriff’s Sale
MTGAL	Motion to Appoint Guardian Ad Litem	MTEOT	Motion for Extension of Time to file Certificate of Merit	MTSAA	Motion to Set Aside Award
MTAPC	Motion for Appointment of a Conservator	MTEXT	Motion for Extension of Time to answer/respond)	MTIPP	Motion to Settle Incompetent/Incapacitated Person’s Estate
MTMCF	Motion for Approval and Distribution of Minor’s Compromise	PTEXR	Motion for Extraordinary Relief	MTSPR	Motion to Stay Proceedings
MTWRD	Motion for Approval & Distribution of Wrongful Death & Survival Action	MTNPT	Motion to File <i>Nunc Pro Tunc</i>	MTWOE	Motion to Stay Writ of Execution
MTAPS	Motion to Approve Transfer of Structured Settlement	MTFUS	Motion to File Under Seal	MTSTK	Motion to Strike Pleading
MTADH	Motion for Assessment of Damages Hearings	PTFMV	Motion to Fix Fair Market Value	MTSJD	Motion for Summary Judgment (30 day hold)
MTAMV	Motion to Auction Motor Vehicles	MTINT	Motion for Interpleader	MTRAE	Motion for Supplementary Relief in Aid of Execution
MTBIF	Motion to Bifurcate	MTINV	Motion to Intervene	MTRDM	Motion to Reassess Damages
MTCIA	Motion to Certify Order for Interlocutory Appeal	MTIOP	Motion to Invalidate Opt-Outs (Class Action cases)	MTREF	Motion for Reimbursement of Fees
MTCNM	Motion to Change Name	MTJAD	Motion to Join Additional Defendant	MTRDL	Motion to Release Bond
MTCLC	Motion for Class Action Certification	MTJPL	Motion for Judgment on the Pleadings	MTRDS	Motion to Remove Case from Deferred Status
MTCMP	Motion to Compel Discovery	MTJUR	Motion for Jury Out of Time	MTSRC	Motion to Seal Record
MTCPS	Motion to Compel Payment of Settlement	MTLIM	Motion in Limine	MTSEV	Motion to Sever Cases
MTCOM	Motion to Complete Terms of Sheriff’s Sale	MTMJS	Motion to Mark Judgment Satisfied	MTSPP	Motion for Specific Performance
MTCST	Motion to Confirm Settlement	MTMVR	Motion to Obtain Motor Vehicle Records	MTTFR	Motion to Transfer
MTCNS	Motion to Consolidate Actions	MTGPN	Motion to Open/Strike Confessed Judgment	MTTRJ	Motion to Transfer Judgment
MTCON	Motion for Continuance	MTPAR	Motion for Partition	MTFTV	Motion for Title to Vehicle
MTCOR	Motion for Coordination of Actions	MTPIC	Motion for Payment into Court	MTWDA	Motion to Withdraw Appearance
MTCRT	Motion to Correct Record	MTPRE	Motion to Pay Rent into Escrow Account	MTWPS	Motion for Writ of Possession
MTCNF	Motion for Counsel Fees	MTSYS	Motion to Postpone Sheriff’s Sale	MTWRS	Motion for Writ of Seizure
PTDOM	Motion for Delay Damages	PTTMF	Motion for Post Trial Relief	<u>Code</u>	<u>Petitions</u>
MTDJT	Motion to Demand Jury Trial	MTPCD	Motion for Pre-Complaint Discovery PRINJ	PTAAR	Petition to Appoint Common Law Arbitrator
DPROB	Motion to Determine Preliminary Objections	MTPSA	Motion for Preliminary Settlement Approval (Class Action Cases)	PTARC	Petition to Appoint a Receiver
MTDSC	Motion to Discontinue Case	MTPDE	Motion to Preserve Documents and Evidence	PTCAR	Petition to Compel Arbitration
MTDIS	Motion to Dismiss for Forum Non Conveniens	MTIFP	Motion to Proceed <i>In Forma Pauperis</i>	PTCAW	Petition to Confirm Arbitration Award
MTDCN	Motion to Disqualify Counsel	MTPRO	Motion for Protective Order	PTCST	Petition to Confirm Settlement
MTEMG	Emergency Motion	MTQSH	Motion to Quash	PTFCT	Petition for Contempt
		MTRCS	Motion for Reconsideration	PTOJD	Petition to Open Default Judgment
		MTRPR	Motion to Redeem Premises	PTSNP	Petition to Open Judgment of Non Pros
		MTREF	Motion to Release Escrow Funds	PTEMG	Emergency Petition

6. **CASE PROGRAM.** The party shall check the program to which the case is assigned and provide the requested program data.
7. **PARTIES.** The filing parties shall set forth the name, address and telephone number of all counsel of record and unrepresented parties, and must attach a stamped addressed envelope for each attorney of record and unrepresented party.
8. **OTHER.** The parties shall enter other relevant important information in this box – such as request for stay, emergency designation etc. – placing the Motion Clerk on notice of special handling or request.
9. **SIGNATURE LINE.** The Cover Sheet must be signed, dated and, if applicable, the attorney ID number must be provided.
10. **SERVICE.** A copy of the file-stamped Petition, Motion, Answer, Response and attachments **must** be served on all parties of record immediately after filing as required by Pa.R.C.P. 206.6, and Pa.R.C.P. 440.

**The Current Version of the *Petition/Motion Cover Sheet* May Be Downloaded From The First Judicial District’s Website:  
<http://courts.phila.gov>.**

## **Philadelphia Civil Rule \* 206.1**

### **Rule \* 206.1 (a). Designation of Petitions.**

(1) In addition to petitions to open default judgment and petitions to open judgment of non pros, the following applications are designated “petitions” and are governed by the procedures set forth in Pa.R.C.P. 206.1 et seq.:

- (i) Petition to Appoint Arbitrator;
- (ii) Petition to Appoint A Receiver;
- (iii) Petition to Compel Arbitration;
- (iv) Petition to Confirm Arbitration Award;
- (v) Petition to Confirm Settlement;
- (vi) Petition for Contempt;
- (vii) Petition to Set Aside Arbitration Award; and
- (viii) Statutory Petitions.

(2) Emergency petitions shall be assigned to the appropriate judge immediately upon submission to the Motion Clerk. A Rule to Show Cause Order will not be issued as of course by the Motion Clerk. Upon review of the petition, the assigned judge will issue an appropriate order setting forth the manner in which the petition will be answered, heard and disposed.

(3) The Administrative Judge of the Trial Division, or his/her designee, may from time to time update the list of Applications which are designated “petitions” and which are governed by the procedures set forth in Pa.R.C.P. 206.1. The updated list shall become effective thirty (30) days after publication on the website of the Administrative Office of Pennsylvania Courts.

## **Philadelphia Civil Rule 206.4**

### **Rule 206.4 (c). Rule to Show Cause. Issuance as of Course. Form of Order. Stay.**

The Rule to Show cause process set forth in Pa.R.C.P. 206.6 is hereby adopted for all petitions filed pursuant to Pa.R.C.P. 206.1 *et seq.* Upon the filing of a petition, a rule to show cause shall be issued as of course by the Motion Court clerk on behalf of the Court. The form of rule to show cause order shall be substantially as set forth hereunder. To obtain a stay of proceedings, the filing party shall specifically set forth in the petition the reasons why the stay is required, and shall further indicate on the ***Petition/Motion Cover Sheet*** that a stay has been requested. The Court may schedule a conference on the request for stay, or grant or deny the stay *ex parte*.

**IN THE COURT OF COMMON PLEAS OF PHILADELPHIA  
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
CIVIL TRIAL DIVISION**

: TERM, 20  
:  
: NO.  
:  
: Petition \_\_\_\_\_  
: \_\_\_\_\_

**RULE TO SHOW CAUSE  
ORDER**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, upon consideration of the foregoing Petition, it is hereby ordered that:

- (1) a Rule is issued upon the respondent to show cause why the petitioner is not entitled to the relief requested;
- (2) the respondent shall file an answer to the Petition within twenty days;
- (3) A Hearing or Argument shall be scheduled at the discretion of the Assigned Judge; and
- (4) notice of the entry of this order shall be provided immediately to all parties by the petitioner.

**BY THE COURT:**

\_\_\_\_\_  
J.

## **Philadelphia Civil Rule \* 208.2**

**Rule \* 208.2 (c). Briefing Requirement.** All Motions, except for *Motions for Extraordinary Relief*, shall be accompanied by a Brief or Memorandum of Law in the form set forth in Phila.Civ.R. \* 210.

**Rule \* 208.2 (d). Certification of Uncontested Status.**

*Note:* This court has not promulgated a local rule imposing a certification requirement for uncontested motions.

**Rule \* 208.2 (e). Certification of Good Faith Attempt to Amicably Resolve Discovery Motions.** On the day the Discovery Motion is argued, the filing party shall present to the Discovery Judge an *Attorney Certification of Good Faith*, substantially in the form attached hereto, certifying that the filing party has conferred with all other parties in an attempt to resolve the discovery disputes at issue. In the event the moving party was unable to confer with any party, the attempts made to confer with that party shall be specifically set forth.

**IN THE COURT OF COMMON PLEAS OF PHILADELPHIA  
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
CIVIL TRIAL DIVISION**

: TERM, 20  
:  
:  
:  
: NO.

**Attorney Certification of Good Faith**  
Pursuant to Phila.Civ.R. \* 208.2(e)

The undersigned counsel for movant hereby certifies and attests that:

a. He or she has had the contacts described below with opposing counsel or unrepresented party regarding discovery matter contained in the foregoing discovery motion in an effort to resolve the specific discovery dispute(s) at issue and, further, that despite all counsel's good faith attempts to resolve the dispute(s), counsel have been unable to do so.

*Description:*

b. He or she has made good faith but unsuccessful efforts described below to contact opposing counsel or unrepresented party in an effort to resolve the discovery dispute.

*Description:*

CERTIFIED TO THE COURT BY:

Date: \_\_\_\_\_

\_\_\_\_\_  
Attorney for Movant (*name party*)

***Note: The Signature of Respondent's Counsel Is Not Required***

## Philadelphia Civil Rule \* 208.3

### Rule \* 208.3 (a). Motions Initially Considered Without Written Response or Briefs.

(1) **Emergency Motions.** “Emergency Motions” shall be initially considered without written Response or Briefs. Upon filing, the Motion Clerk shall assign the Emergency Motion to the appropriate judge who, upon review of the motion, will issue an order providing any applicable relief, and shall further set forth how the motion will be answered, heard and disposed;

(2) **Motions for Alternative Service.** Motions for Alternative Service shall be forwarded to the appropriate judge immediately upon filing. The filing party must immediately serve a copy of the petition on all counsel of record and unrepresented parties;

(3) **Motions for Reconsideration.** Motions for Reconsideration shall be forwarded to the appropriate judge immediately upon filing, and the filing party must serve a copy of the motion as provided in subsection (b)(3)(C). In appropriate cases, the assigned judge may enter a preliminary order vacating the order in question pending receipt of the response to the motion.

### Rule \* 208.3 (b). Motions Considered After Response Period. Briefs.

(1) **Applicability.** This rule governs the filing of all motions except the following:

(A) All matters specifically excepted in Pa.R.C.P. 208.1(b);

(B) Assignment to an individual judge. (See Philadelphia Civil Rule \*215);

(C) Advancement on the trial list. (See Philadelphia Civil Rule \*215);

(D) Arbitration applications. (See Philadelphia Civil Rule 1303.1.)

(E) Motion for approval of settlements where a minor or incapacitated person have an interest. (See Philadelphia Civil Rule\*2039.1.)

(F) Motion for allowance in minors' cases. (See Philadelphia Civil Rule \*2039.2.)

(G) Motion for approval of settlements in wrongful death cases. (See Philadelphia Civil Rule \*2206.)

(H) Motion for Extraordinary Relief (See Trial Division General Court Regulation No. 95-1).

### (2) Discovery Motions.

(A) **Scheduling Requirements.** All Discovery Motions, except in designated Mass Tort cases, shall be presented to, argued before and determined by the appropriate Judge of Discovery for the particular program involved. The moving party shall file or fax a Discovery Argument Request Form (substantially in the form attached hereto) with the Discovery Clerk (Room 287 City Hall) setting forth the following information: the program to which the case is assigned; the next event and the date of that event (if the case is in the Arbitration Program, the arbitration hearing date must be provided), the Court Term and Number,

and Caption of the case. The requisite filing fee in the form of a check made payable to the Prothonotary or credit card information must be included. Upon receipt of the requisite filing fee and a fully completed Discovery Argument Request Form, the Discovery Clerk shall assign the Discovery Motion for argument. The filing party retains the original Motion, proposed order and brief for submission to the Court on the argument date.

**(B) Service Requirements.** The moving party shall immediately serve a copy of the Discovery Motion, proposed order (which shall contain no reference to the attorney proposing same) and brief or memorandum of law, together with a Notice of Presentation (substantially in the form attached hereto) on all counsel of record and unrepresented parties as required by Pa.R.C.P. 440. Except in cases of emergency or waiver by consent of all parties, at least twenty (20) days' prior written notice shall be required.

**(C) Argument Date.** On the argument date, the filing party shall hand to the Discovery Judge the following items: the original Discovery Motion, proposed order (which shall contain no reference to the attorney proposing same), brief or memorandum of law, Notice of Presentation, and the Attorney Certification of Good Faith required by Phila.Civ.R. \* \* 208.2(e). Should all parties fail to appear for the argument, the court will deem the Discovery Motion moot. The Motion may not be rescheduled but a new Motion may be scheduled for argument as provided herein. Should all parties other than the moving party fail to appear, the Court will deem the Motion uncontested and will enter an appropriate order. Should the moving party fail to appear but one or more responding party appears pursuant to a Notice of Presentation served by the moving party, the court shall dismiss the Motion and may, upon the later filing of a motion for sanctions, enter monetary sanctions against the moving party and in favor of the party who appeared.

**(D) Response Requirement.** Any party opposing the Discovery Motion must respond on the argument date. Any party not opposing a discovery motion need not respond or appear for the argument.

**(E) Disposition of Discovery Motion.** On the argument date, the Discovery Judge shall:

- (i) enter appropriate orders concerning uncontested motions;
- (ii) entertain argument on contested motions and, if no issues of fact are raised, enter an appropriate order; or
- (iii) enter an appropriate order providing the procedure the parties are to follow to develop the record concerning any fact issue raised by the Discovery Motion or Response.

**(F) Notice of Entry of Order.** If the decision of the Court is issued immediately after the argument the party presenting the motion shall send a copy of the order to each attorney of record and unrepresented party who was not present on the argument date. The court shall send to each attorney of record and unrepresented party a copy of any order entered on any Discovery Motion held under advisement at the conclusion of the argument.

### **(3) Non-Discovery Motions**

**(A) Filing Requirements.** All motions other than discovery motions shall be filed with the Prothonotary and the requisite fee paid, and shall thereafter be immediately submitted to the Motion Clerk. All Motions shall be accompanied by the following items in the following order:

- (i) A completed Petition/Motion Cover Sheet as provided in Phila.Civ.R. \* 205.2(b)(2);
- (ii) A proposed order, which shall contain no reference to the attorney proposing same;
- (iii) A brief or memorandum of law as required by Phila.Civ.R. \* 210;
- (iv) Stamped, addressed 9 1/2" x 4 1/4" size envelopes for each attorney of record and unrepresented parties.

**(B) Control Number. Response Date.** Other than as provided in Phila.Civ.R. \* 208.3(a) and except for Summary Judgment Motions (which have a thirty (30) day response period, all Motions have a twenty (20) day response period. Upon filing, the Motion Clerk shall enter on the Cover Sheet a unique Control Number which must be used on all Responses, and shall enter the "Response Date" on or before which all Responses must be filed by any party.

**(C) Service Requirements.** The moving party shall immediately serve conformed copies of all documents filed with the Motion Clerk on all counsel of record and unrepresented parties, as required by Pa.R.C.P. 440.

**(D) Response Requirements.** Any party opposing the motion, shall file the following documents with the Motion Court on or before the Response Date:

- (i) A completed Cover Sheet as set forth in Phila.Civ.R. \* 205.2(b)(2);
- (ii) A proposed order, which shall contain no reference to the attorney proposing same;
- (iii) The Response to the motion; and
- (iv) A brief or memorandum of law as provided in Phila.Civ.R. \* 210.

**(E) Attachments.** All Motions shall include copies of all documents or items necessary or relevant to the disposition of the issues. This shall

include the complaint, answer, and reply to new matter. All such documents or items shall be included or attached and marked as exhibits separately. The Court may decide any matter against a party who fails to attach to the filing those items sufficient to enable the Court to determine the matter.

**(F) Disputed Issues of Fact.** Disputed issues of fact shall be determined as the Court may provide pursuant to Pa.R.C.P. 208.4(b).

**(G) Deadline for Filing Arbitration Motions.** Motions shall not be accepted by the Motion Clerk in cases where an arbitration hearing is scheduled to be held within forty-five (45) days.



## **Helpful Hints Discovery Court**

1. Counsel shall complete the “Attorney Certification of Good Faith” and be prepared to discuss it with the discovery judge.
2. Counsel shall bring their calendars to court and be prepared to accept dates for depositions and IMEs.
3. Motions to Reconsider Discovery Orders must be filed with Motion Court in Room 278.
4. Attorneys are no longer required to appear personally when they have a discovery motion that is uncontested or that can be resolved by agreement. Instead, they can present these motions to the Discovery Unit (Room 287) on the day immediately prior to the scheduled hearing date. They should attach a copy of the relevant case management order as well as the following letter:

To the Assigned Discovery Judge:

Please accept this letter as certification that my opponent in the attached motion has told me he/she will not contest and/or agrees to the relief sought in the proposed order.

Sincerely,

\_\_\_\_\_

The Discovery Court Manager will then screen these motions to make sure there are no conflicts with the appropriate Case Management Order. The assigned judge will review and sign the proposed Orders after the scheduled court session. The signed orders must be picked up from the Discovery Unit (Room 287) within the next five days, photocopied and served on other interested counsel or the Orders will not be docketed but will be deemed invalid.

**IN THE COURT OF COMMON PLEAS OF PHILADELPHIA  
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
CIVIL TRIAL DIVISION**

: TERM, 20  
:  
:  
:  
: NO.

**NOTICE OF PRESENTATION**

To:

Please take notice that the following Motion:

- Plaintiff's Motion \_\_\_\_\_
- Defendant's Motion \_\_\_\_\_

will be presented to the Court on \_\_\_\_\_, \_\_\_\_\_, 20\_\_, at \_\_\_\_\_ AM/PM, in Court Room \_\_\_\_\_, City Hall, Philadelphia, PA. A copy of the Motion is attached.

By: \_\_\_\_\_  
Attorney for  
Pa. I.D. No.  
Phone No.  
**Address:** \_\_\_\_\_

Date: \_\_\_\_\_

**CERTIFICATION OF SERVICE**

I do hereby certify that service of a true and correct copy of the above Motion was made on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, to the above party or counsel by:

- United States Mail, postage pre-paid;
- Fax at the following Fax Number: \_\_\_\_\_ . See Fax Confirmation.
- Electronic Mail at: \_\_\_\_\_  
A copy of the email is attached

By: \_\_\_\_\_  
Attorney for

Date: \_\_\_\_\_

## Philadelphia Civil Rule \* 210

**Rule \* 210. Brief.** Except for Motions for Extraordinary Relief, all Petitions and Motions shall be accompanied by a brief or memorandum of law. Briefs or memoranda of law shall be typewritten, printed or otherwise duplicated (the size of lettering shall not be less than ten points), and endorsed with the name of the case, the court term and number, and the name, address, and electronic mail address of the attorney or the party if not represented by an attorney. Briefs and memoranda of law shall contain concise and summary statements, separately and distinctly titled, of the following items in the order listed:

1. Matter before the Court: State the particular pleading (motion, petition, objection, exception, application, etc.) before the court for disposition, and the particular relief requested therein.
2. Statement of question(s) involved: State the issue(s) in question form containing factual context sufficient to present the precise matter to be decided by the Court, each susceptible of a yes or no answer, each followed by the answer desired or advocated.
3. Facts: State the operative facts.
4. Argument: State the reason(s) why the court should answer the questions involved as proposed, including citation of the authorities relied on. An authority shall not be cited for general reference but in all cases shall be immediately preceded or followed by its relevant holding or particular proposition for which it stands.
5. Relief: State the specific action(s) requested of the court.

## Philadelphia Civil Rule \*1028 (c)

### **Rule \*1028 (c). Preliminary Objections**

(1) All preliminary objections shall be filed with the Prothonotary, as provided in Pa.R.C.P. 1028, and must be served on all other parties.

(2) Pursuant to Pa.R.C.P. No. 1028(c)(1) a party may file an amended pleading as of course within twenty (20) days after service of the preliminary objections. Upon the timely filing of the amended pleading, the preliminary objections are deemed moot and the Prothonotary shall administratively mark the preliminary objections and the *Motion to Determine the Preliminary Objections*, if filed as required by subsection (c) hereunder, “moot” on the docket of the case.

(3) Within thirty (30) days after filing Preliminary Objections with the Prothonotary, provided an amended pleading has not been filed, the objecting party shall file a Motion to Determine the Preliminary Objections, together with the following:

- (a) a copy of the preliminary objections;
- (b) a Brief or Memorandum of Law, as set forth in Phila.Civ.R. \* 210; and
- (c) copies of all items necessary or relevant to the disposition of the preliminary objections. This shall include the complaint, answer, and reply to new matter. All such items shall be included or attached and marked as exhibits separately. The Court may decide preliminary objections against a party who fails to attach to the filing those items sufficient to enable the Court to determine the preliminary objections.

(4) In the event that the Motion to Determine the Preliminary Objections is not filed with Motion Court within thirty (30) days after filing with the Prothonotary, the party against whom the objections are asserted may file with the Motion Court a praecipe, and a proposed order, requesting that the objections be overruled.

(5) An answer to preliminary objections (as opposed to a Response to the Motion to Determine Preliminary Objections) is required only to preliminary objections raising an issue under Pa.R.C.P. 1028 (a)(1), (5) and (6) provided a notice to plead is attached to the preliminary objections. An answer need not be filed to preliminary objections raising an issue under Pa.R.C.P. 1028(a)(2), (3) and (4).

### **Philadelphia Civil Rule \* 1034 (a)**

**Rule \* 1034 (a). Motion for Judgment on the Pleadings.** After the relevant pleadings are closed, but within such time as not to unreasonably delay the trial, any party may file a motion on the pleadings as follows:

- (1) the moving party shall file a motion as provided in Phila.Civ.R. \* 208.3, attaching thereto a copy of all pleadings which must be considered by the Court and a brief or memorandum of law, as provided in Phila.Civ.R. \* 210, which shall be served on all other parties as required by Pa.R.C.P. 440;
- (2) the non-moving parties shall file a response within twenty (20) days of the service of the motion, may attach any document, pleading or item not attached by the moving party, and shall include a brief or memorandum of law as provided in Phila.Civ.R. \* 210,
- (3) the court may schedule a date for argument as appropriate.

## **Philadelphia Civil Rule \* 1035.2(a)**

**Rule \* 1035.2(a). Motion for Summary Judgment.** After the relevant pleadings are closed, but within such time as not to unreasonably delay trial, any party may file a motion for summary judgment, as a matter of law, as provided in Pa.R.C.P. 1035.2 , as follows:

(1) the moving party shall file a motion setting forth with specificity entitlement to summary judgment, as provided in Pa.R.Civ.P. 1035.2, and must attach a copy of any pleading, deposition, or discovery the moving party wants the court to consider. The moving party shall also attach a brief or memorandum of law, as provided in Phila.Civ.R. \* 210. The motion, attachments and brief or memorandum of law must be served as required by Pa.R.Civ.P. 440 on the party or parties against whom summary judgment is requested;

(2) the adverse party or parties must file a response within thirty (30) days of the service of the motion in compliance with Pa.R.Civ.P. 1035.3, and shall attach a brief or memorandum of law as provided in Phila.Civ.R. \* \* 210; and

(3) the court may schedule a date for argument upon the expiration of the time to file a response to the motion. The court may enter summary judgment against a party who does not respond to the motion for summary judgment.

**Adopted by the Board of Judges of the Court of Common Pleas on May 20, 2004. Effective on July 26, 2004.**

**PHILADELPHIA COURT OF COMMON PLEAS  
PETITION/MOTION COVER SHEET**

FOR COURT USE ONLY	
ASSIGNED TO JUDGE:	ANSWER/RESPONSE DATE:
<i>Do not send Judge courtesy copy of Petition/Motion/Answer/Response. Status may be obtained online at <a href="http://courts.phila.gov">http://courts.phila.gov</a></i>	

<p>CONTROL NUMBER:</p> <p><b>(RESPONDING PARTIES MUST INCLUDE THIS NUMBER ON ALL FILINGS)</b></p>
---

\_\_\_\_\_ Term, \_\_\_\_\_  
 Month Year  
 No. \_\_\_\_\_

Name of Filing Party: \_\_\_\_\_

\_\_\_\_\_  
 vs.  
 \_\_\_\_\_

(Check one)  Plaintiff  Defendant  
 (Check one)  Movant  Respondent

**INDICATE NATURE OF DOCUMENT FILED:**

Petition (Attach Rule to Show Cause)  Motion  
 Answer to Petition  Response to Motion

Has another petition/motion been decided in this case?  Yes  No  
 Is another petition/motion pending?  Yes  No  
 If the answer to either question is yes, you must identify the judge(s): \_\_\_\_\_

TYPE OF PETITION/MOTION (see list on reverse side)	PETITION/MOTION CODE (see list on reverse side)
--	---

ANSWER/RESPONSE FILED TO (Please insert the title of the corresponding petition/motion to which you are responding): \_\_\_\_\_

**I. CASE PROGRAM**  
 Is this case in the (answer all questions):

**A. COMMERCE PROGRAM**  
 Name of Judicial Team Leader: \_\_\_\_\_  
 Applicable Petition/Motion Deadline: \_\_\_\_\_  
 Has deadline been previously extended by the Court?  
 Yes  No

**B. DAY FORWARD/MAJOR JURY PROGRAM — Year \_\_\_\_\_**  
 Name of Judicial Team Leader: \_\_\_\_\_  
 Applicable Petition/Motion Deadline: \_\_\_\_\_  
 Has deadline been previously extended by the Court?  
 Yes  No

**C. NON JURY PROGRAM**  
 Date Listed: \_\_\_\_\_

**D. ARBITRATION PROGRAM**  
 Arbitration Date: \_\_\_\_\_

**E. ARBITRATION APPEAL PROGRAM**  
 Date Listed: \_\_\_\_\_

**F. OTHER PROGRAM:** \_\_\_\_\_  
 Date Listed: \_\_\_\_\_

**II. PARTIES (required for proof of service)**  
 (Name, address and **telephone number** of all counsel of record and unrepresented parties. Attach a stamped addressed envelope for each attorney of record and unrepresented party.)

**III. OTHER**

By filing this document and signing below, the moving party certifies that this motion, petition, answer or response along with all documents filed, will be served upon all counsel and unrepresented parties as required by rules of Court (see PA. R.C.P. 206.6, Note to 208.2(a), and 440). Furthermore, moving party verifies that the answers made herein are true and correct and understands that sanctions may be imposed for inaccurate or incomplete answers.

\_\_\_\_\_  
 (Attorney Signature/Unrepresented Party) (Date) (Print Name) (Attorney I.D. No.)

**The Petition, Motion and Answer or Response, if any, will be forwarded to the Court after the Answer/Response Date. No extension of the Answer/Response Date will be granted even if the parties so stipulate.**

## Instructions for Completing Petition/Motion Cover Sheet

A Petition/Motion Cover Sheet must be attached to all Petitions, Motions, Answers or Responses filed, except for Discovery Motions and Motions for Extraordinary Relief. Sanctions will be imposed if the Cover Sheet is inaccurately completed.

Please Note the following:

1. **ANSWER or RESPONSE DATE.** The Motion Clerk shall enter the "Answer" or "Response" Date on the Cover Sheet. All Responses to Motions and Answers to Petitions must be filed with the Prothonotary and submitted to the Motion Clerk on or before the Response Date. **Note:** Summary Judgment Motions have a 30 day Response period. Except for those Motions identified in Phila.Civ.R. \*208.3(a) and (b), all other Motions have a 20 day Response period.
2. **ARGUMENT DATE.** The Motion Clerk shall enter the Argument Date and location on the Cover Sheet, as appropriate.
3. **CONTROL NUMBER.** The Motion Clerk shall assign a Control Number to all Petitions and Motions. The Responding parties must enter this Control Number on the Cover Sheet accompanying their Answer or Response.
4. **NATURE OF DOCUMENT FILED.** The filing party must check whether the document being filed is a Petition (in which case a Rule to Show Cause Order must be attached), a Motion, an Answer to a Petition, or a Response to a Motion. The parties must indicate whether another Petition or Motion is outstanding or has been decided and, if so, must identify the Judge(s) to whom such prior Petitions or Motions had been assigned.
5. **PETITION OR MOTION TYPES.** The parties must utilize the following Petition or Motion Codes and Types (and the Motion Clerk is authorized to change a filing party's designation to reflect the correct Petition or Motion Code and Type):

CODE	MOTIONS	CODE	MOTIONS	CODE	MOTIONS
MTSAL	Motion for Additional Distribution of Sale Proceeds	MTJNP	Motion for Entry of Judgment of Non Pros	MTRWT	Motion to Return Writ of Possession or Execution
MTPHV	Motion for Admission Pro Hac Vice	MTSUP	Motion for Entry of Supersedeas	MTSAN	Motion for Sanctions
MTSVR	Motion for Alternative Service	MTEXP	Motion for Expungement of Record	MT229	Motion for Sanctions for Failure to Deliver Settlement Funds
MTAMJ	Motion to Amend Judgment	MTEOT	Motion for Extension of Time to file Certificate of Merit	MTSAS	Motion to Set Aside Sheriff's Sale
MTAMD	Motion to Amend Pleading	MTEXT	Motion for Extension of Time to answer/respond)	MTSAA	Motion to Set Aside Award
MTGAL	Motion to Appoint Guardian Ad Litem	PTEXR	Motion for Extraordinary Relief	MTIPP	Motion to Settle Incompetent/Incapacitated Person's Estate
MTAPC	Motion for Appointment of a Conservator	MTNPT	Motion to File Nunc Pro Tunc	MTSPR	Motion to Stay Proceedings
MTMCF	Motion for Approval and Distribution of Minor's Compromise	MTFUS	Motion to File Under Seal	MTWOE	Motion to Stay Writ of Execution
MTWRD	Motion for Approval & Distribution of Wrongful Death & Survival Action	PTFMV	Motion to Fix Fair Market Value	MTSTK	Motion to Strike Pleading
MTAPS	Motion to Approve Transfer of Structured Settlement	MTINT	Motion for Interpleader	MTSJD	Motion for Summary Judgment (30 day hold)
MTADH	Motion for Assessment of Damages Hearings	MTINV	Motion to Intervene	MTRAE	Motion for Supplementary Relief in Aid of Execution
MTAMV	Motion to Auction Motor Vehicles	MTIOP	Motion to Invalidate Opt-Outs (Class Action cases)	MTRDM	Motion to Reassess Damages
MTBIF	Motion to Bifurcate	MTJAD	Motion to Join Additional Defendant	MTRRF	Motion for Reimbursement of Fees
MTCIA	Motion to Certify Order for Interlocutory Appeal	MTJPL	Motion for Judgment on the Pleadings	MTRFL	Motion to Release Bond
MTCNM	Motion to Change Name	MTJUR	Motion for Jury Out of Time	MTRDS	Motion to Remove Case from Deferred Status
MTCLC	Motion for Class Action Certification	MTLIM	Motion in Limine	MTSRC	Motion to Seal Record
MTCMP	Motion to Compel Discovery	MTMJS	Motion to Mark Judgment Satisfied	MTSEV	Motion to Sever Cases
MTCPs	Motion to Compel Payment of Settlement	MTMVR	Motion to Obtain Motor Vehicle Records	MTSPP	Motion for Specific Performance
MTCOM	Motion to Complete Terms of Sheriff's Sale	MTOPN	Motion to Open/Strike Confessed Judgment	MTTFR	Motion to Transfer
MTCST	Motion to Confirm Settlement	MTPAR	Motion for Partition	MTTRJ	Motion to Transfer Judgment
MTCNS	Motion to Consolidate Actions	MTPIC	Motion for Payment into Court	MTFTV	Motion for Title to Vehicle
MTCON	Motion for Continuance	MTPRE	Motion to Pay Rent into Escrow Account	MTWDA	Motion to Withdraw Appearance
MTCOR	Motion for Coordination of Actions	MTSYS	Motion to Postpone Sheriff's Sale	MTWPS	Motion for Writ of Possession
MTCRT	Motion to Correct Record	PTTMF	Motion for Post Trial Relief	MTWRS	Motion for Writ of Seizure
MTCNF	Motion for Counsel Fees	MTPCD	Motion for Pre-Complaint Discovery	MTMIS	Miscellaneous Motion
PTDOM	Motion for Delay Damages	PRINJ	Motion for Preliminary Injunction		
MTDJT	Motion to Demand Jury Trial	MTPSA	Motion for Preliminary Settlement Approval (Class Action Cases)	<b>CODE</b>	<b>PETITIONS</b>
DPROB	Motion to Determine Preliminary Objections	MTPDE	Motion to Preserve Documents and Evidence	PTAAR	Petition to Appoint Common Law Arbitrator
MTDSC	Motion to Discontinue Case	MTIFP	Motion to Proceed In Forma Pauperis	PTARC	Petition to Appoint a Receiver
MTDIS	Motion to Dismiss for Forum Non Conveniens	MTPRO	Motion for Protective Order	PTCAR	Petition to Compel Arbitration
MTDCN	Motion to Disqualify Counsel	MTQSH	Motion to Quash	PTCAW	Petition to Confirm Arbitration Award
MTEMG	Emergency Motion	MTRCS	Motion for Reconsideration	PTCST	Petition to Confirm Settlement
MTEST	Motion to Enforce Settlement	MTRPR	Motion to Redeem Premises	PTFCT	Petition for Contempt
MTJDG	Motion for Entry of Default Judgment	MTREF	Motion to Release Escrow Funds	PTOJD	Petition for Open Default Judgment
		MTOPT	Motion to Remove Opt-Out of the Proposed Settlement Agreement (Class Action Cases)	PTSNP	Petition to Open Judgment of Non Pros
				PTEMG	Emergency Petition

6. **CASE PROGRAM.** The party shall check the program to which the case is assigned and provide the requested program data.
7. **PARTIES.** The filing parties shall set forth the name, address and telephone number of all counsel of record and unrepresented parties, and must attach a stamped addressed envelope for each attorney of record and unrepresented party.
8. **OTHER.** The parties shall enter other relevant important information in this box – such as request for stay, emergency designation etc. – placing the Motion Clerk on notice of special handling or request.
9. **SIGNATURE LINE.** The Cover Sheet must be signed, dated and, if applicable, the attorney ID number must be provided.
10. **SERVICE.** A copy of the file-stamped Petition, Motion, Answer, Response and attachments must be served on all parties of record immediately after filing as required by Pa.R.C.P. 206.6, and Pa.R.C.P. 440.

## **REVISED MASS TORT MOTION PROCEDURES**

The following are the Mass Tort Procedures as revised on January 24, 2005. All prior Motion procedures are to be considered obsolete.

1. Motions should be in letter-brief rather than motion package format. The caption must specify the type of litigation and name of opposing counsel. **THE FILING AND RESPONSE DATES MUST BE PROMINENTLY STATED ON THE FIRST PAGE OF THE MOTION.** Facts, issues and pertinent case law should be briefly outlined. Each motion must include a proposed order, self-addressed stamped envelope, and signed Attorney Certification of Good Faith.
2. The Attorney Certification of Good Faith shall attest that certifying counsel has spoken with opposing counsel in an effort to resolve the specific dispute at issue, and that despite counsel's good faith efforts, has been unable to resolve same.
3. Motions must be presented for filing in the following order: first, to the Civil Motions Clerk, Room 296 City Hall, for time-stamping and assignment of a Control Number; then to the Cashier for payment, Room 282, City Hall. Thereafter, motions are to be resubmitted to the Civil Motions Clerk, Room 296, City Hall, where each motion will be processed and assigned accordingly.
4. Motions must be filed by 4:30 P.M. on Monday or they will be deemed filed the following Monday. The opponent must receive a copy that same day by facsimile or hand delivery. **THE SERVED COPY MUST HAVE THE CONTROL NUMBER CLEARLY DISPLAYED ON THE MOTION.**
5. If the Motion is opposed, the opponent must respond in the format stated in Paragraph 1 by the following Monday at 4:30 P.M., or as provided in the Case Management Order. The response must be filed with the Civil Motions Clerk, Room 296, City Hall. **THE ANSWER MUST CLEARLY DISPLAY THE CONTROL NUMBER ON THE FIRST PAGE AT THE TIME OF FILING.** There is no fee when filing a response. The movant and all other parties must receive a copy that same day by facsimile or hand delivery.
6. If the Motion is unopposed, or withdrawn, a letter stating the same must be forwarded to the Civil Motions Program, Room 296, City Hall. **THE LETTER MUST HAVE THE CONTROL NUMBER PROMINENTLY DISPLAYED.** The movant and all interested parties must receive a copy that same day by facsimile or hand delivery.
7. The Court will docket the original signed order and mail a copy of the signed order to the moving party via the self-addressed stamped envelope. The moving party is responsible for serving all other parties with a copy of the order.
8. Oral argument on Motions will be scheduled by the Court if needed.
9. A brief call of the Asbestos List will be conducted every Monday at 9:30 A.M. at which time stipulations may be presented to the Court. Each stipulation must contain a self-addressed stamped envelope; a copy of the signed stipulation will be forwarded to counsel via this envelope, who is then charged with distributing copies to all other counsel.
10. Failure to comply with the above will result in the rejection of said filing.

**Hon. James J. Fitzgerald, III**  
**Administrative Judge**

**Hon. William J. Manfredi**  
**Supervising Judge**

**Hon. Norman Ackerman**  
**Coordinating Judge**

**IN THE COURT COMMON PLEAS  
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
TRIAL DIVISION – CIVIL**

**ADMINISTRATIVE DOCKET 04 OF 2005**

**IN RE:  
EMERGENCY PETITIONS AND MOTIONS FOR  
PRELIMINARY RELIEF**

**AND NOW**, this **27th** day of **May, 2005**, it is hereby **ORDERED** and **DECREED** that the following procedures shall apply to all emergency petitions and motions for preliminary relief:

1. All initial pleadings shall be filed with the Prothonotary, utilizing the Civil Cover Sheet and, where appropriate, the Commerce Program Addendum. All Civil Cover sheets must indicate the Court Program and correct Case Type Code (see Instructions for Completing Civil Cover Sheet, the current version of which is available from the Prothonotary, or in the Forms section of the First Judicial District's Website <http://courts.phila.gov>).
2. All motions or petitions seeking emergency relief shall be filed with the Civil Motions Program in 296 City Hall, utilizing the Civil Motion Cover Sheet (available from the Civil Motions Program, or in the Forms section of the First Judicial District's Website <http://courts.phila.gov>).
3. Assignment of motions or petitions seeking emergency relief shall be made based upon the Court Program and Case Type Codes provided on the Civil Cover Sheets at the time of initial filing, or as amended by subsequent Court Order. The emergency matters shall then be assigned to the appropriate Program or Motions Court Emergency Judge, in accordance with the attached Motion Assignment Matrix. This Matrix, which may be amended from time to time without the need for issuance of an Amended Administrative Order or publication, will be available on the First Judicial District's Website <http://courts.phila.gov>.

4. The Emergency Judge of the designated Program, or his/her designee, will then review the filing to confirm that the Program and Case Type designations are correct, prior to proceeding on the emergency motion/petition. In the event the reviewing Emergency Judge concludes that the matter has been incorrectly designated, he/she will confer with the appropriate Program Emergency Judge. Acceptance of the transfer shall be subject to the receiving Emergency Judge's approval. Any unresolved issue or issues relating to program designation shall be forwarded to the Administrative Judge of the Trial Division, or his designee, for final determination. If a transfer is appropriate, Civil Administration shall note the transfer and make the appropriate program and case type changes to the Civil Docket.

To the extent the procedures set forth in this Administrative Order are inconsistent with any prior Orders or procedures of the Court, those Orders or Procedures are hereby overruled and amended only to the extent necessary to implement this Order.

BY THE COURT:

/s/

James J. Fitzgerald, III

Administrative Judge, Trial Division

---

This Administrative Docket is promulgated in accordance with the April 11, 1987 Order of the Supreme Court of Pennsylvania, Eastern District, No. 55, Judicial Administration, Docket No. 1, Phila. Civ. \*51 and Pa. R.C.P. 239, and shall become effective immediately. As required by Pa. R.C.P. 239, the original Administrative Docket shall be filed with the Prothonotary in a docket maintained for Administrative Dockets issued by the Administrative Judge of the Trial Division and copies shall be submitted to the Administrative Office of Pennsylvania Courts, the Legislative Reference Bureau and the Civil Procedural Rules Committee. Copies of the Administrative Docket shall also be submitted to American Lawyer Media, *The Legal Intelligencer*, Jenkins Memorial Law Library and the Law Library for the First Judicial District.



**First Judicial District of Pennsylvania  
Court of Common Pleas of Philadelphia County  
Trial Division - Civil**

**EXPEDITED EVICTION OF DRUG TRAFFICKERS ACT  
35 P.S. § 780-176 (2004)**

Introduction

In 1995, the General Assembly of the Commonwealth of Pennsylvania enacted the Expedited Eviction of Drug Traffickers Act, 35 P.S. §780-176. All citizens, regardless of their income or economic status, have the right to be safe and secure in their residences. All citizens further have the right to live and raise their children in apartment complexes, neighborhoods and communities, which are free from the destructive influence of drug dealers and drug-related crime and violence.

It is the policy of the Commonwealth of Pennsylvania to ensure the swift eviction and removal of persons who engage in certain drug related criminal activity on or in the immediate vicinity of leased residential premises or who permit or tolerate such offenses to be committed, violate the rights and jeopardize the health and safety of the other tenants, residents and onsite employees of the premises.

Expedited Hearing

Pursuant to the Expedited Eviction of Drug Traffickers Act, landlords may seek immediate eviction of all persons who engage in drug-related criminal activity on or in the immediate vicinity of the leased residential premises or who allow such criminal activity to occur. The statute authorizes the court to hear these cases on an expedited and priority basis and requires that a hearing be held within 15 days following the filing of the complaint.

## **Section 7, Document 6**

### Notification to Person to be Removed

The court, prior to the removal of any person under this act, shall provide to that person outreach information and referral materials on how to obtain alcohol and drug treatment.

### Notification to Social Services Agencies

The court, no less than ten (10) days prior to the removal of any person under this act, shall notify the Department of Health and the Department of Public Welfare, if applicable, and other appropriate social service agencies of the removal.

### Preparation and Dissemination of Treatment Resource Information

The Department of Health shall prepare the outreach information and referral materials and shall disseminate the information and materials to the Administrative Office of the Pennsylvania Courts.

### Standard Operating Procedures

Effective, Tuesday, April 19, 2005, the Trial Division - Civil has incorporated the following standard operating procedures to comply with the Expedited Eviction of Drug Traffickers Act 35 §780 – 176.

The following instructions have been established to accommodate the revised commencement, injunction assignment and disposition processes.

Office of the Prothonotary - Civil Commencement Unit: At the time of commencement the initial filing clerk will, by pre-established procedures, enter the case from start to finish identifying the action as a Common Pleas (CP) court type and Equity Drug Trafficking TRO (E-6) case type with a case status of Waiting to List Injunction Hearing (CLWIH). In addition to identifying all parties named on the complaint the following party must be added to the instant action as Agency

(AGCY) party types: I13499 (Department of Health – Bureau of Drug & Alcohol Programs) and I13500 (Pennsylvania Department of Public Welfare). Upon completion of the initial filing process the Commencement Unit will forward the file and motion package to the Office of Civil Administration, Room 296 City Hall for further processing.

Office of Civil Administration: The motion intake clerk will assign the appropriate control number and forward the file and motion package to the Manager or her designee for pre-determination. After review, the docket entry clerk will docket the motion using the PRINJ (Preliminary Injunction Filed) code including the control number. The clerk will then schedule a preliminary injunction hearing (IJHR) within fourteen (14) days of the original motion filing date. On the day of the hearing, the court record and motion package, along with any answers filed, will be assigned to the appropriate motion judge for disposition. At the conclusion of the injunction hearing, if possession is granted in favor of plaintiff, the motion clerk must dispose of this action using the ORDTF – Order Eviction Granted code. If the injunction hearing outcome is otherwise, (e.g. the complaint withdrawn or hearing rescheduled), the motion clerk should use the pre-established existing docketing procedures accordingly. As with all orders entered by the Court it is then this clerk's responsibility to mail copies of the signed order to all parties in compliance with Rule 236.

Additionally, upon disposing of the action with docket code ORDTF, a Notice of Eviction, generated through the court's letter generation process, will be mailed to all parties of record along with outreach information and referral materials, provided by the Commonwealth of Pennsylvania's Department of Health, Bureau of Drug and Alcohol Programs, as required by the Act.



**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY  
TRIAL DIVISION - CIVIL**

**NOTICE OF EVICTION**

(Expedited Eviction of Drug Traffickers Act - 35 P.S. §780-176)

Please take notice that the Court has entered an order granting the plaintiff's petition for immediate possession of its property and has permitted the plaintiff to immediately evict all individuals residing or staying in the subject property.

In compliance with the Expedited Eviction of Drug Traffickers Act, 35 P.S. §780-176, attached please find outreach information and referral materials, provided by the Commonwealth of Pennsylvania's Department of Health, Bureau of Drug and Alcohol Programs, on how to obtain alcohol and drug treatment.

BY THE COURT:

JAMES J. FITZGERALD, III  
ADMINISTRATIVE JUDGE  
TRIAL DIVISION

*Process for Obtaining Services from  
Single County Authority (SCA).*

- Referral of client to SCA office
- SCA office schedules assessment
- SCA office conducts assessment with client.
- SCA office makes recommendation for appropriate level of care utilizing the Pennsylvania Client Placement Criteria.
- SCA office refers client to treatment provider based on level of care recommendation.
- SCA office authorizes funding.
- Client begins treatment process. SCA office monitors progress.
- SCA office, client, and treatment provider coordinate next level of care.
- SCA office authorizes funding for next level of care.
- SCA monitors client progress as client follows through with continuing care until discharge from treatment.

Please refer question to:  
Pennsylvania Department of Health  
Bureau of Drug and Alcohol Programs  
02 Kline Plaza  
Harrisburg, Pa. 17104  
(717) 787-2712  
<http://www.state.pa.us/bdap>

Pennsylvania's Client Placement Criteria

Levels of Care

Outpatient

Intensive Outpatient

Partial Hospitalization

Halfway House

Medically Monitored Inpatient Detox

Medically Monitored Short-Term Residential

Medically Monitored Long-Term Residential

Medically Managed Inpatient Detox

Medically Managed Inpatient Residential

---

PENNSYLVANIA DRUG  
AND ALCOHOL  
TREATMENT SERVICES  
AND FUNDING  
INFORMATION



DEPARTMENT OF  
HEALTH

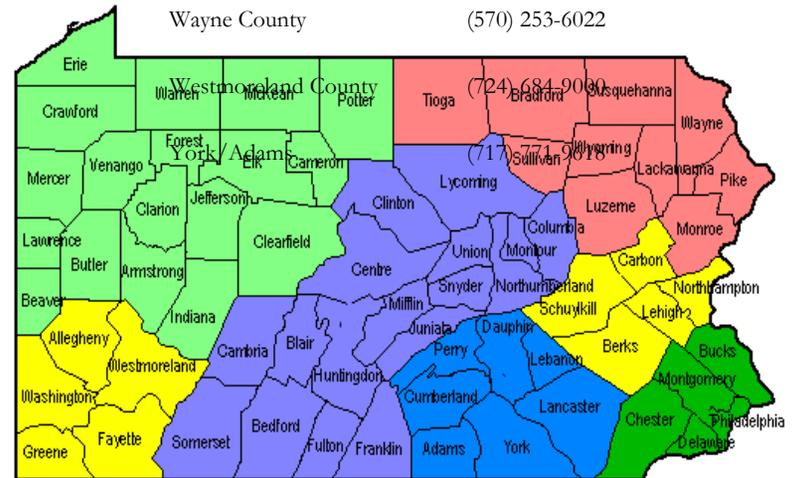
*Edward G. Rendell, Governor  
Calvin B. Johnson, M.D., M.P.H., Secretary of Health*

All counties throughout the Commonwealth of Pennsylvania designate a Single County Authority (SCA) thus qualifying the counties to receive state and federal funding for drug and alcohol services. This funding makes it possible for Pennsylvania to offer treatment, prevention, and intervention services through our SCA offices to those individuals requiring public funding. We encourage you to contact the SCA closest to you for further assistance.

Allegheny County	(412) 350-3328
Armstrong-Indiana	(724) 354-2746
Beaver County	(724) 847-6220
Bedford County	(814) 623-5009
Berks County	(610) 376-8669
Blair County	(814) 693-3023
Bradford/Sullivan	(570) 265-1760
Bucks County	(215) 773-9313
Butler County	(724) 284-5114
Cambria County	(814) 536-5388
Cameron/Elk/McLean	(814) 642-9541
Carbon/Monroe/Pike	(570) 421-3669
Centre County	(814) 355-6744

Chester County	(610) 344-6620
Clarion County	(814) 226-1080
Clearfield/Jefferson	(814) 371-9002
Columbia/Montour/Snyder/ Union	(570) 275-5422
Crawford County	(814) 724-4100
Cumberland/Perry	(717) 240-6300
Dauphin County	(717) 635-2254
Delaware County	(610) 713-2365
Erie County	(814) 451-6870
Fayette County	(724) 438-3576
Forest/Warren	(814) 726-2100
Franklin/Fulton	(717) 263-1256
Greene County	(724) 852-5276
Huntingdon/Mifflin/Juniata	(717) 242-1446
Lackawanna County	(570) 963-6820
Lancaster County	(717) 299-8023
Lawrence County	(724) 658-5580
Lebanon County	(717) 274-0427
Lehigh County	(610) 782-3556

Luzerne/Wyoming	(570) 826-8790
Lycoming/Clinton	(570) 323-8543
Mercer County	(724) 662-1550
Montgomery County	(610) 278-3642
Northampton County	(610) 997-5800
Northumberland County	(570) 495-2154
Philadelphia County	(215) 546-1200
Potter County	(814) 544-7315
Schuylkill County	(570) 621-2890
Somerset County	(814) 445-1530
Susquehanna County	(570) 278-1000
Tioga County	(570) 724-5766
Venango County	(814) 432-9744
Washington County	(724) 223-1181
Wayne County	(570) 253-6022





DESCRIBE RELIEF REQUESTED *(Attach proposed Order, setting forth the current deadlines and proposed deadlines)*

Set forth the efforts made to comply with the applicable deadlines; specify what needs to be done; set forth all relevant activity which has already been scheduled; and length and reason for the time requested.

A COPY OF THIS MOTION WAS SENT OR WILL BE SENT TO THE FOLLOWING PARTIES OR COUNSEL ON THE FOLLOWING DATES:

Response due: \_\_\_\_\_ *(within 10 days of filing of Motion)*

I certify the above to be true and correct.

Respectfully submitted,

Date: \_\_\_\_\_

\_\_\_\_\_  
, Esquire  
*Attorney for Plaintiff/Defendant*

In the Court of Common Pleas of Philadelphia County  
**RESPONSE TO MOTION FOR EXTRAORDINARY RELIEF**

(Check One Program)

- |   |                                    |
|---|------------------------------------|
| <input type="checkbox"/> Commerce               | <input type="checkbox"/> Mass Tort |
| <input type="checkbox"/> Day Forward/Major Jury | <input type="checkbox"/> Non-Jury  |
| <input type="checkbox"/> Arbitration Appeal     |                                    |

*Must be filed with the Motions Clerk in 296 City Hall.*

CONTROL NUMBER

CAPTION

COURT TERM AND NUMBER

NAME OF RESPONDING PARTY AND COUNSEL

NAME OF PLAINTIFF AND COUNSEL

NAME OF DEFENDANT AND COUNSEL

SET FORTH YOUR POSITION CONCERNING THE MOVING PARTY'S REQUESTED RELIEF (ATTACH PROPOSED ORDER)

A COPY OF THE RESPONSE WAS SENT OR WILL BE SENT TO THE FOLLOWING PARTIES AND/OR COUNSEL ON THE DATES SET FORTH BELOW

I certify the above to be true and correct.

Respectfully submitted,

Date: \_\_\_\_\_

\_\_\_\_\_

, Esquire

*Attorney for Plaintiff/Defendant*

**MOTION TO PROCEED IN FORMA PAUPERIS**

**PHILADELPHIA COURT OF COMMON PLEAS  
PETITION/MOTION COVER SHEET**

FOR COURT USE ONLY	
ASSIGNED TO JUDGE:	ANSWER/RESPONSE DATE:
<i>Do not send Judge courtesy copy of Petition/Motion/Answer/Response. Status may be obtained online at <a href="http://courts.phila.gov">http://courts.phila.gov</a></i>	

CONTROL NUMBER:  <b>(RESPONDING PARTIES MUST INCLUDE THIS NUMBER ON ALL FILINGS)</b>
--

\_\_\_\_\_ Term, \_\_\_\_\_  
Month Year

No. \_\_\_\_\_

Name of Filing Party: \_\_\_\_\_

\_\_\_\_\_  
vs.  
\_\_\_\_\_

(Check one)  Plaintiff  Defendant  
(Check one)  Movant  Respondent

**INDICATE NATURE OF DOCUMENT FILED:**

Petition (Attach Rule to Show Cause)  Motion  
 Answer to Petition  Response to Motion

Has another petition/motion been decided in this case?  Yes  No  
Is another petition/motion pending?  Yes  No  
*If the answer to either question is yes, you must identify the judge(s):* \_\_\_\_\_

TYPE OF PETITION/MOTION (see list on reverse side)  <b>MOTION TO PROCEED IN FORMA PAUPERIS</b>	PETITION/MOTION CODE (see list on reverse side)  <b>MTIFP</b>
--	---

ANSWER/RESPONSE FILED TO (Please insert the title of the corresponding petition/motion to which you are responding): \_\_\_\_\_

**I. CASE PROGRAM**  
Is this case in the (answer all questions):

**A. COMMERCE PROGRAM**  
Name of Judicial Team Leader: \_\_\_\_\_  
Applicable Petition/Motion Deadline: \_\_\_\_\_  
Has deadline been previously extended by the Court?  
 Yes  No

**B. DAY FORWARD/MAJOR JURY PROGRAM** — Year \_\_\_\_\_  
Name of Judicial Team Leader: \_\_\_\_\_  
Applicable Petition/Motion Deadline: \_\_\_\_\_  
Has deadline been previously extended by the Court?  
 Yes  No

**C. NON JURY PROGRAM**  
Date Listed: \_\_\_\_\_

**D. ARBITRATION PROGRAM**  
Arbitration Date: \_\_\_\_\_

**E. ARBITRATION APPEAL PROGRAM**  
Date Listed: \_\_\_\_\_

**F. OTHER PROGRAM:** \_\_\_\_\_  
Date Listed: \_\_\_\_\_

**II. PARTIES**  
(Name, address and **telephone number** of all counsel of record and unrepresented parties. Attach a stamped addressed envelope for each attorney of record and unrepresented party.)

**III. OTHER**

By filing this document and signing below, the moving party certifies that this motion, petition, answer or response along with all documents filed, will be served upon all counsel and unrepresented parties as required by rules of Court (see PA. R.C.P. 206.6, Note to 208.2(a), and 440). Furthermore, moving party verifies that the answers made herein are true and correct and understands that sanctions may be imposed for inaccurate or incomplete answers.

\_\_\_\_\_  
(Attorney Signature/Unrepresented Party) (Date) (Print Name) (Attorney I.D. No.)

**The Petition, Motion and Answer or Response, if any, will be forwarded to the Court after the Answer/Response Date. No extension of the Answer/Response Date will be granted even if the parties so stipulate.**



4. If there is a monetary recovery by judgment or settlement in favor of the party permitted to proceed *in forma pauperis*, the exonerated fees and costs shall be taxed as costs and paid to the Prothonotary by the party paying the monetary recovery.

5. Petitioner has a continuing obligation to inform the Court of any improvement in party's financial circumstances that will enable the party to pay costs.

BY THE COURT:

\_\_\_\_\_  
J.



2. I reside at (*state your full address*) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. I have listed my sources and amounts of income truly and correctly on the attached affidavit.

4. I have the following average monthly expenses for the indicated items:

Housing: _____	Insurance: _____
Utilities: _____	Transportation: _____
(Gas): _____	Medical: _____
(Oil): _____	Loans: _____
(Electric): _____	Laundry: _____
(Phone): _____	Child Care: _____
Food: _____	Child Support: _____
Clothing: _____	

5. I neither own nor have equity in any assets other than the following (*state values in dollars*): \_\_\_\_\_  
\_\_\_\_\_

6. I am unable to pay the costs of these proceedings or to obtain the amount of costs from family or friends.

Court Term \_\_\_\_\_ 20\_\_\_\_ and No. \_\_\_\_\_

**WHEREFORE**, Petitioner prays that he/she be permitted to proceed in this matter *in forma pauperis* and without the payment of bond.

\_\_\_\_\_  
**Petitioner** (Print your name)

\_\_\_\_\_  
**Petitioner** (Sign your name)



2. I am unable to obtain funds from anyone, including my family and associates, to pay the costs of litigation.

3. I represent that the information below relating to my ability to pay the fees and costs is true and correct:

(a) Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Social Security # \_\_\_\_\_

(b) **EMPLOYMENT**

*If you are presently employed, state:*

Employer : \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Salary/wages  
Per Month: \_\_\_\_\_

Type of Work: \_\_\_\_\_

*If you are presently unemployed, state:*

Date of last Employment: \_\_\_\_\_

Salary/Wages  
Per Month: \_\_\_\_\_

Type of Work: \_\_\_\_\_

(c) **OTHER INCOME WITHIN THE PAST TWELVE (12) MONTHS**  
*(state as dollar amounts)*

Business or Profession: \_\_\_\_\_

Other Self-employment: \_\_\_\_\_

Interest: \_\_\_\_\_

Dividends: \_\_\_\_\_

Pension and Annuities: \_\_\_\_\_

Social Security Benefits: \_\_\_\_\_

Support Payments: \_\_\_\_\_

Disability Payments: \_\_\_\_\_

Unemployment Compensation &  
Supplemental Benefits: \_\_\_\_\_

Workmans' Compensation: \_\_\_\_\_

Public Assistance: \_\_\_\_\_

Other: \_\_\_\_\_

(d) ***OTHER CONTRIBUTIONS TO HOUSEHOLD SUPPORT (state as dollar amounts)***

(Wife) (Husband) (Friend) Name: \_\_\_\_\_

***If your (wife) (husband) (friend) is employed, state:***

Employer: \_\_\_\_\_

Salary/Wages  
Per Month: \_\_\_\_\_

Type of Work: \_\_\_\_\_

Contributions  
From Children: \_\_\_\_\_

Contributions  
From Parents: \_\_\_\_\_

Other Contributions: \_\_\_\_\_

(e) ***PROPERTY OWNED (state as dollar amounts)***

Cash: \_\_\_\_\_

Checking Account: \_\_\_\_\_

Savings Account: \_\_\_\_\_

Certificates of Deposit: \_\_\_\_\_

Real Estate  
(Including Home): \_\_\_\_\_

Motor Vehicle: Make \_\_\_\_\_ Year \_\_\_\_\_

Cost \$ \_\_\_\_\_ Amount Owed **Z**

\_\_\_\_\_  
Stocks & Bonds: \_\_\_\_\_

Other: \_\_\_\_\_

\_\_\_\_\_

**(f) DEBTS AND OBLIGATIONS (state as dollar amounts)**

Mortgage: \_\_\_\_\_

Rent: \_\_\_\_\_

Loans: \_\_\_\_\_

Other: \_\_\_\_\_

**(g) PERSONS DEPENDENT UPON YOU FOR SUPPORT**

(Wife) (Husband) Name: \_\_\_\_\_

Children, if any: \_\_\_\_\_ Age \_\_\_\_\_

\_\_\_\_\_ Age \_\_\_\_\_

\_\_\_\_\_ Age \_\_\_\_\_

\_\_\_\_\_ Age \_\_\_\_\_

Other Persons:

Name: \_\_\_\_\_

Relationship: \_\_\_\_\_

4. I understand that I have a continuing obligation to inform the Court of improvement in my financial circumstances which would permit me to pay the costs incurred herein.

5. I verify that the statements made in this affidavit are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. §4904, relating to unsworn falsification to authorities.

Dated: \_\_\_\_\_

\_\_\_\_\_  
*Petitioner (Print your name)*

\_\_\_\_\_  
*Petitioner (Sign your name)*

*Sworn to and subscribed before me this*

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
*Notary Public*

## Certificate of Service

I hereby certify that I have served a copy of this petition upon all other parties or their attorney of record by:

*Please check:*

\_\_\_\_\_ Regular First Class Mail

\_\_\_\_\_ Certified Mail

\_\_\_\_\_ Other

\_\_\_\_\_  
Name of Petitioner (Print Name)

\_\_\_\_\_  
Signature of Petitioner (Sign your name)

Dated: \_\_\_\_\_

# Instructions for completing Petition to Proceed *In Forma Pauperis*

1. **All blanks and all questions MUST be filled in or answered. Dollar amounts MUST be clearly stated where requested.**
2. **A copy of your latest Pennsylvania tax or federal tax return should be attached.**
3. **Service of a copy of this petition MUST be made on the opposing party or opposing party's attorney.**
4. **Please attach a self-addressed, stamped envelope for yourself and an addressed, stamped envelope for each opposing party or opposing party's attorney.**
5. **Petitioner is required to have the enclosed Affidavit notarized by a licensed Notary Public.**
6. **Your petition may be dismissed or denied for failure to properly complete all information.**

---

## **Definition of Terms:**

**Affidavit:** A voluntary declaration of facts written down and sworn to by the declarant before an officer authorized to administer oaths.

**Defendant:** A person who is sued in a civil or criminal proceeding.

**In Forma Pauperis:** [Latin "in the manner of a pauper"] To proceed in the manner of an indigent who is permitted to disregard filing fees and court costs.

**Petitioner:** A party who presents a petition to a court or other official body.

**Plaintiff:** The party who brings a civil suit in a court of law against another person or entity.

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY

CIVIL TRIAL DIVISION

**ADMINISTRATIVE DOCKET No. 05 OF 1994**

Procedure for Disposition of Municipal Court Appeals

O R D E R

AND NOW, this 17<sup>th</sup> day of March, 1994, IT IS HEREBY ORDERED and DECREED that the Order issued on December 30, 1993, no. 04 Administrative Docket amending Philadelphia Civil Rue ★1301, is further amended and supplemented as set forth hereunder.

Effective Monday, April 4, 1994, Appeals from Orders or Judgments of the Municipal Court involving Landlord and Tenant matters and other civil actions will be filed as provided by Philadelphia Civil Rules Nos. 310, 311, 312, and 313; provided, however, that they will not be listed for a Compulsory Arbitration Hearing or assigned to a Motion Court Judge, as applicable, but will be scheduled for disposition before a Judge of the Municipal Court of Philadelphia who has been assigned to preside as a Judge of the Court of Common Pleas by the President Judge of the Court of Common Pleas of Philadelphia pursuant to Section 9(b) of the Act of July 9, 1976, P.L. 586, no. 146 as affected by the Act of December 20, 1982, P.L. 1409, no. 326, §316 [See 42 Pa.C.S. §4121].

IT IS FURTHER ORDERED and DECREED that Philadelphia Civil Rule 313(C) is amended by deleting therefrom the word "Motion."

Appeals from Orders and Judgments of the Municipal Court shall be scheduled in a Courtroom designated by the Administrative Judge of the Trial Division. The Court of Common Pleas shall provide a Certified Shorthand Reporter to record all proceedings. The Municipal Court shall provide all other courtroom support staff.

All Motions and Petitions filed in connection with Municipal Court appeals shall be filed with the Prothonotary and Motion Court as provided by local rules of court and shall be assigned for disposition to the President Judge of Municipal Court or his or her designee, who has been duly assigned to preside as a Judge of the Court of Common Pleas as provided above.

In the event a timely jury trial demand is made by one or more parties and the appropriate fees have been paid, the case shall be scheduled for a jury trial before one of the judges of the Municipal Court who has been duly assigned to preside as a Judge of the Court of Common Pleas. In such cases, the Court of Common Pleas shall provide a Certified Shorthand Reporter and a General Tipstaff.

All Municipal Court Appeals presently listed for a Compulsory Arbitration Hearing shall be rescheduled for a trial in Courtroom 910, One East Penn Square, Philadelphia, Pennsylvania. All Municipal Court Appeals filed on or after the effective date of this Order shall be scheduled directly for Trial or hearing in Courtroom 910, One East Penn Square by the Prothonotary at the time the Appeal is filed. Trials or hearings shall be listed in accordance with a schedule determined by the President Judge or Municipal Court based on Judicial availability and the number of cases at issue.

This Order is issued in accordance with the April 11, 1986, Order of the Supreme Court of Pennsylvania, Eastern District, no. 55 Judicial Administration, Docket no. 1, Phila. Civ. R. ★51 and Pa. R.C.P. 239, and shall become effective on April 4, 1994. As required by Pa. R.C.P. 239, the original Order shall be filed with the Prothonotary in a docket maintained for Administrative Orders issued by the Administrative Judge of the Trial Division, and copies shall be submitted to the Administrative Office of Pennsylvania Courts, the Legislative Reference Bureau and the Civil Procedural Rules Committee. Copies of the regulation shall also be submitted to Legal Communications, Ltd., The Legal Intelligencer, Jenkins Memorial Law Library and the Law Library for the First Judicial District.

DATE: March 17, 1994

ALEX BONAVIDACOLA  
ADMINISTRATIVE JUDGE  
TRIAL DIVISION

**Rule 310 Municipal Court Appeals—  
General.**

- (A) A default judgment may only be subject to appellate review in the manner prescribed by Philadelphia Civil Rule 313.
- (B) Except as provided by paragraph (C) below, a party may appeal for a trial *de novo* to the Court of Common Pleas from the entry of a judgment by the Municipal Court in the manner prescribed by Philadelphia Civil Rules 311 and 312.
- (C) A party may appeal the grant or denial by the Municipal Court of a petition to open a judgment by default or any other post-judgment order which would have been appealable had it been entered by the Court of Common Pleas, only in the manner prescribed by Philadelphia Civil Rule 313.

*Note: Adopted by the Board of Judges, General Court Regulation 87-1, effective April 6, 1987.*

**Rule 311 Municipal Court Appeals—  
Supersedeas and Jury Trials.**

- (A) A notice of appeal from the entry of judgment by the Municipal Court to the Court of Common Pleas shall be filed within thirty days from the date of entry of judgment and copies shall be served upon all other attorneys of record and unrepresented parties.
- (B) The appellant shall pay the appropriate fee and file with the Prothonotary a Notice of Appeal and a certification of service.

(C)(1) If the judgment is for the payment of money, the appeal shall operate as a supersedeas when the appellant files with the Administrator of the Municipal Court a copy of the Notice of Appeal attested by the Prothonotary.

(2) If the appellant is the tenant in a landlord/tenant action, the appeal shall operate as a supersedeas when the appellant files with the Administrator of the Municipal Court a copy of the Notice of Appeal attested by the Prothonotary so long as rent is paid each month on the date specified in the lease agreement with one of the following: the Prothonotary's Office, the Urban League, a bank insured by F.D.I.C. or a savings association insured by F.S.L.I.C. and P.S.A.I.C., until final disposition of the appeal.

(D) Upon the filing of the Notice of Appeal and the payment of the fees therefor, the Prothonotary shall assign the Common Pleas Court Term and Number, and the date, time and place of an arbitration hearing, if applicable, pursuant to Philadelphia Civil Rules \*1301 and \*1303(A).

(E) Any party may request a trial by jury in accordance with Pa.R.C.P. 1007.1 and Philadelphia Civil Rule \*1007.1.

*Note: Adopted by the Board of Judges, General Court Regulation 87-1, effective April 6, 1987.*

**Rule 312      Municipal Court Appeals—  
Pleadings and Pretrial  
Proceedings.**

- A) The plaintiff in the Municipal Court action shall within twenty (20) days after being notified of the appeal file with the Prothonotary's Office and serve upon all other counsel and unrepresented parties either a complaint in the form required for a civil action with a Notice to Defend or a copy of the Statement of Claim, Landlord/Tenant Complaint or Code Enforcement Complaint which was filed in Municipal Court with a Notice to Defend.
- (B) The defendant in the Municipal Court action shall file a pleading as allowed by Pa.R.C.P. 1017 with the Prothonotary within twenty days after being served with a copy of the pleading referred to in paragraph A and serve copies upon all other counsel and unrepresented parties. Thereafter, the case shall proceed in accordance with the Pennsylvania Rules of Civil Procedure.

*Note: Adopted by the Board of Judges, General Court Regulation 87-1, effective April 6, 1987.*

**Rule 313      Municipal Court Appeals—  
Orders Granting or Denying  
Petitions.**

- (A) An appeal to the Court of Common Pleas from an order of the Municipal Court granting or denying a petition to open a default judgment or any other post-judgment order which would have been appealable had it been entered by the Court of Common Pleas shall be filed within

thirty (30) days from the date of entry of the order.

- (B) The appellant shall pay the appropriate fee, docket with the Prothonotary, and file with the Motion Court Clerk:
- (1) a Notice of Appeal with a copy of the petition and the order,
  - (2) a copy of the Statement of Claim, the Landlord/Tenant Complaint or Code Enforcement Complaint which was filed in the Municipal Court,
  - (3) all other documents required to be filed by Philadelphia Civil Rule \*206.1; and
  - (4) any stenographic record of the proceeding before the Municipal Court within thirty (30) days after it has been transcribed.
- (C) The appeal shall be limited to a determination by the Court whether the Municipal Court committed an error of law or abused its discretion in ruling upon the petition or motion which is the subject of the appeal.
- (D) Upon the filing of the order of the Court of Common Pleas, the action shall be remanded to the Municipal Court for further processing consistent with the order.

*Note: Adopted by the Board of Judges, General Court Regulation 87-1, effective April 6, 1987. Amended by Administrative Docket 5 of 94, March 17, 1994.*

## STATUTORY APPEALS CONTINUANCE APPLICATION

<b>FILE ORIGINAL and ADDRESSED, STAMPED ENVELOPES FOR ALL PARTIES WITH:</b>  <b>CIVIL MOTIONS CLERK ROOM 296 CITY HALL PHILADELPHIA PA 19107</b>	<b>FIRST JUDICIAL DISTRICT OF PENNSYLVANIA COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY STATUTORY APPEALS PROGRAM</b>	
<b>COURT TERM AND NUMBER</b>	<b>APPLICANT</b> <input type="checkbox"/> Appellant <input type="checkbox"/> Appellee	<b>DATE AND TIME OF LISTED HEARING</b>
<b>CAPTION</b>		
<b>APPELLANT'S COUNSEL AND PHONE NO.</b>		
<b>APPELLEE'S COUNSEL AND PHONE NO.</b>		
<b>THE CONTINUANCE IS NEEDED FOR THE FOLLOWING REASON(S):</b>  <input type="checkbox"/> SERIOUS ILLNESS <input type="checkbox"/> FAILURE OF AGENCY TO FILE RECORD <input type="checkbox"/> ATTACHMENT BEFORE ANOTHER COURT <input type="checkbox"/> OTHER _____		
<b>A COPY OF THIS APPLICATION WAS MAILED/DELIVERED/FAXED TO OPPOSING COUNSEL ON</b> _____		
<b>RESPONSE OF OPPOSING COUNSEL, IF ANY:</b> _____		
<b>PROPOSED CONTINUANCE DATE, IF ANY:</b> _____		

I hereby certify that the above is true and correct.

\_\_\_\_\_ \_\_\_\_\_  
*Signature of Counsel for Applicant* *Date*

### ORDER

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_\_, upon consideration of the within Application for Continuance, the request for a continuance is:

- DENIED.
- GRANTED. THE HEARING IS RESCHEDULED FOR \_\_\_\_\_ A.M. ON \_\_\_\_\_, IN **COURTROOM 426, CITY HALL**, PHILADELPHIA PA 19107.
- GRANTED. A new scheduling order is attached.

BY THE COURT:

---

**Section 8**

---

# **Discovery Court Program**

**DISCOVERY COURT PROGRAM  
ROOM 287 CITY HALL  
215-686-3747, 4246 AND 4247**

The Discovery Court Program operates in accordance with the Alternative Motion Procedures set forth in Philadelphia Rule of Civil Procedure \*208.3. The Manager of the Discovery Court Program is Dennis Brennan. The administrative office of the Discovery Court Program is located in Room 287 City Hall, Philadelphia, PA.

Depending on the particular civil program, discovery motions are scheduled for a hearing before a Team Leader, Coordinating Judge, or Civil Motions Judge. A day and time has been reserved for the resolution of discovery motions in each program. A copy of the Discovery Court Schedule is included at the end of this section.

Effective Monday, January 3, 2005, the schedule for hearings in Discovery Court is as follows:

<b>SCHEDULE FOR DISCOVERY HEARINGS</b>				
<b>DAY</b>	<b>TIME</b>	<b>JUDGE</b>	<b>PROGRAM</b>	<b>COURTROOM</b>
<b>Monday</b>	9:00 a.m.	Sheppard, J.	Commerce	513 CH
<b>Tuesday</b>	9:30 a.m.	Abramson, J.	Commerce	443 CH
<b>Tuesday</b>	9:30 a.m.	Jones, J.	Commerce	676 CH
<b>Monday</b>	9:30 a.m.	Bernstein, J.	Class Action	246 CH
<b>Monday</b>	9:00 a.m.	Tereshko, J.	Day Forward 2002	285 CH
<b>Monday</b>	9:00 a.m.	Allen, J.	Day Forward 2005	285 CH
<b>Tuesday</b>	9:00 a.m. & 11:00 a.m.	New, J.	Day Forward 2004	285 CH
<b>Wednesday</b>	9:00 a.m.	Moss, J.	Day Forward 2001 & 2003	285 CH
<b>Thursday</b>	9:00 a.m.	Ackerman, J.	Arbitration Appeal	285 CH
<b>Friday</b>	9:00 am.	Carrafiello, J./ Dych, J.	Arbitration & Non Jury	285 CH

The assignment of discovery motions to judicial teams is a critical and important part of the Court's Civil Case Delay Reduction Strategy. This strategy provides early and appropriate intervention in cases within the various civil programs.

Serious discovery disputes that cannot be resolved among the parties in a case may schedule a discovery hearing by submitting a completed Discovery Hearing Request Form and following the procedures set forth in Phila. Civil Rule \*208.3. A copy of this rule is included at the end of this section. Copies of the Discovery Hearing Request Form are available in Room 287 City Hall, by fax request at 215-686-3777, or by telephone request at 215-686-4246/47. The properly completed hearing request form is to be

returned to Room 287 City Hall, along with a \$30 filing fee for each motion made payable to the Prothonotary. The completed form and appropriate fee may be submitted in person, by mail, or via facsimile, at the above-mentioned telephone number. Requests submitted by fax must be paid for by a major credit card. (No motions are accepted at this time—the actual motion is presented to the judge at the time of the scheduled hearing).

Upon receipt, the properly completed Discovery Hearing Request Form is processed by the discovery court clerks, who will schedule a date for the hearing. In order to ensure an expeditious hearing, the discovery clerk will fax the hearing request form with the scheduled hearing date and time to the moving party. The hearing date on this form is the actual date for the hearing scheduled before the appropriate judge—regardless of whether the motion is contested or uncontested. No continuance requests will be accepted and/or granted by the discovery clerks. The volume of discovery court matters does not allow for the accommodation of continuance requests.

### **Service Requirements**

Pursuant to Phila. R. Civ. P. \*208.3(a)(4)(B), the moving party shall immediately serve a copy of the Discovery Motion and proposed order (which shall contain no reference to the attorney proposing same), together with a Notice of Presentation and Certificate of Service on all counsel of record and unrepresented parties as required by Pa.R.C.P. 440. Except in cases of emergency or waiver by consent of all parties, at least ten (10) days' prior to written notice shall be required.

Pursuant to Philadelphia Civil Rule \*208.3, a hearing shall be listed no earlier than ten (10) days after the date that a request for a hearing is made, except in the case of an emergency. The Emergency Discovery Hearing procedures are set forth below.

### **Alternative Procedure Requiring No Physical Presence of Counsel**

Administrative Docket 04 of 1998 establishes an alternative procedure for discovery motions that are uncontested or able to be resolved through agreement. Under this procedure, attorneys are no longer required to appear personally when they have a discovery motion that is uncontested or that can be resolved by agreement. These motions may be presented to the Discovery Unit, Room 287 City Hall, on the day immediately preceding the scheduled hearing date. A copy of the relevant case management order along with the following letter should be attached thereto:

<p><b>Date:</b></p> <p><b>RE: <u>(Caption and Case I.D.)</u></b></p> <p><b>To the Assigned Discovery Judge:</b></p> <p><b>Please accept this letter as certification that my opponent in the attached motion has told me he/she will not contest and/or agrees to the relief sought in the proposed order.</b></p> <p><b>Sincerely,</b></p> <p>_____</p>
--

The Discovery Court Manager screens these motions to determine if there are any conflicts with the appropriate Case Management Order. The assigned judge will review and sign the proposed orders after the scheduled court session. The signed orders must be picked up from the Discovery Unit, Room 287 City Hall, within five days. It is counsel's responsibility to photocopy and serve all interested counsel/unrepresented parties. Accordingly, failure to retrieve these orders within five days will result in the order not being docketed and deemed invalid.

**Argument Date**

On the argument date, the filing party shall hand to the Discovery Judge the following items: the original Discovery Motion, Proposed Order (which shall contain no reference to the attorney proposing same), Notice of Presentation, and the Attorney Certification of Good Faith as required by Phila. Civ. R. \*208.2(e). Should all parties fail to appear for the argument, the court will deem the Discovery motion moot. The motion may not be rescheduled, but a new motion may be scheduled for argument as provided herein. Should all parties other than the moving party fail to appear, the Court will deem the motion uncontested and will enter an appropriate order. Should the moving party fail to appear but one or more responding party appears pursuant to a Notice of Presentation served by the moving party, the court shall dismiss the motion and may, upon the later filing of a motion for sanctions, enter monetary sanctions against the moving party and in favor of the party who appeared.

**Emergency Discovery Hearings**

In order to obtain an emergency discovery hearing, counsel or a representative must appear in person in Room 287 City Hall, between the hours of 9:00 a.m. and 12:00 noon, on the business day immediately preceding the designated hearing day for the specific civil program. For example, anyone seeking an emergency hearing on a discovery motion in a Day Forward 2004 case must appear in Room 287 City Hall on Monday between the hours of 9:00 a.m. and 12:00 noon to schedule a hearing on the emergency motion before

the Team Leader of the Day Forward 2004 program on Tuesday. Please refer to the Discovery Hearing Schedule that follows.

### **Reconsideration of Discovery Orders**

Petitions for Reconsideration of discovery orders must be filed through the Civil Motions Program with the Civil Motions Clerk in Room 296 City Hall. There is a \$30 filing fee required for each motion. The motion package should comply with Phila. R. Civ. P \*208.3.

Petitions for Reconsideration are assigned forthwith to the judge who issued the order in question. The judge who issued the order is the only one with legal authority to review the order. Therefore, counsel should not reappear in Discovery Court and expect another judge to reconsider a colleague's order.

Please keep in mind that the judge does not receive the entire court record when a motion/petition is assigned for disposition. Therefore, it is very important that you attach as exhibits any information that may be necessary in order for the judge to render a decision. Petitions for Reconsideration, in particular, should include, among other things, a signed copy of the order in question, along with copies of the motion and responses thereto. Failure to do so may result in dismissal of the motion for failure to comply with Phila. R. Civ. P. \*208.3.

### **Voluntary Use of Discovery Masters**

The Court is sensitive to the fact that some discovery motions involve complex issues that may not lend themselves to motion procedures that are designed to process efficiently the large volume of more routine discovery matters. In complex commercial and tort cases, the expense and burdensomeness of certain discovery requests can be substantial. Additionally, parties may be concerned that discovery rulings may be issued without the parties or the court having appropriate time for argument and/or deliberating as may be required.

Pursuant to Pa. R.C.P. 4002, parties may stipulate to a variety of discovery matters, including, and without the need for court approval, agreeing to refer discovery disputes to a neutral attorney jointly and privately retained by them as a discovery master. Parties may prefer such an agreed-upon use of a member of the Bar to resolve complex discovery disputes rather than submitting same for judicial determination.

However, it must be understood that the parties will have to stipulate that the master's determinations are binding and not subject to review or acceptance by the Court. For the reason that they will take place entirely off the record, the Court will not enforce discovery determinations made by a privately retained master nor can such determinations become the subject of an appeal. Therefore, the extent to which such

determinations are effective to resolve a discovery dispute will be entirely a function of the parties' good faith in honoring the terms of their own stipulations. Furthermore, the Court will not likely permit delay or any of the time devoted to proceedings before a discovery master to constitute grounds for extension of deadlines or other extraordinary relief.

**Discovery Motions NOT filed with the Discovery Court**

The following discovery motions are not accepted for filing in Discovery Court. These motions must be filed with the Civil Motions Program in Room 296 City Hall.

- Discovery Motions in Municipal Court Appeals from Landlord Tenant cases;
- Post Judgment Motions for Discovery in Aid of Execution;
- Motions for Pre-Complaint Discovery;
- Motions to Quash Trial Deposition;
- Motions to Quash Trial Subpoena;
- Discovery Motions in Tax Court Cases
- Discovery Motions in Statutory Appeals Cases;
- Discovery Motions in Mass Tort Program.

Discovery motions shall not be accepted by the Discovery Court in cases where an arbitration hearing is scheduled to be held within forty-five (45) days, without Arbitration Program or Court approval.

**Name Change Process and Procedures**

The following is a list of helpful hints aimed at guiding you more effectively through the name change process.

Changing Your Name – Helpful Hints  
Approximate Total Fees (as of December 2004) - \$588

Follow the steps below. Copies of forms attached.

**Step One – Finger Prints**  
(Fee \$15.00)

Go to 16<sup>th</sup> and Callowhill Streets, Philadelphia, Pa. There are a number of independent mobile vans that provide you with fingerprints after you show valid photo identification. **DO NOT** smudge the prints after completed.

**Step Two – Filing a Petition**  
(Fee \$208.50)

Each of the following forms must be properly completed or re-typed in the similar

format and must contain:

- Petition for Change of Name
- Verification
- Order for Publication
- Notice for Change of Name
- Decree for Change of Name

Proceed to the Prothonotary's Office located in Room 280 City Hall. You will need a copy of your birth certificate, social security card, valid photo identification, and the original finger print card. You will be given a Case Number.

After you file, you will be asked to go to the Office of the Discovery Court located in Room 287 City Hall to have your documents reviewed to determine if additional information is required.

### **Step Three – Judgment Searches**

(Fees \$65 and \$20)

Two judgment searches are required based on your valid identification:

1. Family Court – 34 S. 11<sup>th</sup> Street – Lobby – Customer Service Unit (Fee \$20)
2. Prothonotary's Office – Room 262 City Hall – Judgment/Locality Index (Fee \$65)

**IMPORTANT!** Do not complete the searches until you have been notified of a hearing date for the Name Change! Searches must be completed as close to the hearing date as possible, but must be within 30 days of the hearing date—no earlier!

### **Step Four – Public Notification**

(Fees \$164 and \$115)

Prior to your hearing you must notify the public you are changing your name by posting a notice in each of the following:

1. Philadelphia Daily News, 215-854-2000 (Fee \$164)
2. The Legal Intelligencer, 215-557-2300 (\$115)

### **Step Five – Your Hearing**

Bring all your documents including proof of the public announcements and both judgment searches. After Name Change is granted, don't forget to change your social security card, license, and passport information.

FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
COURT OF COMMON PLEAS - TRIAL DIVISION - CIVIL

**DISCOVERY COURT 2005**

**LOCATION**

*Filings:* Room 287 City Hall  
*Hearings:* Room 246 City Hall  
Room 285 City Hall  
Room 443 City Hall  
Room 513 City Hall  
Room 676 City Hall

**HOURS OF OPERATION**

9:00 A.M. - 5:00 P.M.

**STAFF**

Dennis J. Brennan, *Manager*  
Dianne Williams, *Legal Clerk*  
Georgette Baxter, *Clerical Assistant*  
Colleen Dougherty, *Clerk Typist*

**TELEPHONE NUMBER**

686-3747  
686-4247  
686-4246  
686-4246  
FAX: 686-3777

*IMMEDIATELY upon receipt of the hearing date and time, the Discovery Motion(s) must be served upon all counsel and unrepresented parties.*

**SCHEDULE FOR HEARINGS**

<b>DAY</b>	<b>TIME</b>	<b>PROGRAM</b>	<b>ROOM</b>	<b>JUDGE</b>
Monday	9:00 A.M.	Commerce	513	Judge Sheppard
Tuesday	9:30 A.M.	Commerce	443	Judge Abramson
Tuesday	9:30 A.M.	Commerce	676	Judge Jones
Monday	9:30 A.M.	Class Action	246	Judge Bernstein
Monday	9:00 A.M.	Day Forward 2002	285	Judge Abramson
	11:00 A.M.	Day Forward 2005	285	Judge Allen
Tuesday	9:00 A.M.	Day Forward 2004	285	Judge New
	11:00 A.M.	Day Forward 2004	285	Judge New
Wednesday	9:00 A.M.	Day Forward 2001 & 2003	285	Judge Moss
Thursday	9:00 A.M.	Arbitration Appeal	285	Judge Ackerman
Friday	9:00 A.M.	Arbitration and Non-Jury	285	Judge Carrafiello
		Arbitration and Non-Jury	285	Judge Dych

**COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY  
TRIAL DIVISION - CIVIL  
DISCOVERY ARGUMENT REQUEST FORM**

TO: DISCOVERY CLERK  
ROOM 287 CITY HALL  
PHILADELPHIA, PA 19107  
215-686-4246 / 47  
FAX: 215-686-3777

Date: \_\_\_\_\_

From: \_\_\_\_\_  
*(Moving Counsel)*

Card No. and Exp. Date or Check No. \_\_\_\_\_

Type of Discovery Motion \_\_\_\_\_

\_\_\_\_\_  
*(Secretary's Name and Phone No.)*

**Oral Argument Requested**  
*(Please Type)*

<i>Program Type*</i> <i>(See Below)</i>	<i>Discovery Deadline</i>	<i>Court Term and Number</i>	<i>Caption</i>	<i>Argument Date</i>

**FAILURE TO ANSWER ALL QUESTIONS WILL RESULT IN THE ARGUMENT NOT BEING SCHEDULED**

Return FAX No: \_\_\_\_\_

**OFFICIAL USE ONLY — DO NOT WRITE BELOW THIS LINE**

**\*Program Types**

- Commerce
- Major Jury
- Arbitration
- Arbitration Appeal
- Major Non-Jury

NOTE: The above date is the actual argument date. There will be no continuances.

Location: - City Hall:     Courtroom 285     Courtroom 246     Courtroom 443     Courtroom 513     Courtroom 676

Make all checks payable to the Prothonotary

***Immediately upon receipt of the argument date and time, the Discovery Motion(s) must be served upon all counsel and unrepresented parties.***

***Please see other side for helpful Discovery Court hints.***

## **Helpful Hints Discovery Court**

1. Counsel shall complete the “Attorney Certification of Good Faith” and be prepared to discuss it with the discovery judge.
2. Counsel shall bring their calendars to court and be prepared to accept dates for depositions and IMEs.
3. Motions to Reconsider Discovery Orders must be filed with Motion Court in Room 278.
4. Attorneys are no longer required to appear personally when they have a discovery motion that is uncontested or that can be resolved by agreement. Instead, they can present these motions to the Discovery Unit (Room 287) on the day immediately prior to the scheduled hearing date. They should attach a copy of the relevant case management order as well as the following letter:

To the Assigned Discovery Judge:

Please accept this letter as certification that my opponent in the attached motion has told me he/she will not contest and/or agrees to the relief sought in the proposed order.

Sincerely,

---

The Discovery Court Manager will then screen these motions to make sure there are no conflicts with the appropriate Case Management Order. The assigned judge will review and sign the proposed Orders after the scheduled court session. The signed orders must be picked up from the Discovery Unit (Room 287) within the next five days, photocopied and served on other interested counsel or the Orders will not be docketed but will be deemed invalid.

**IN THE COURT OF COMMON PLEAS OF PHILADELPHIA  
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
CIVIL TRIAL DIVISION**

: TERM, 20  
:  
:  
:  
: NO.

**NOTICE OF PRESENTATION**

To:

Please take notice that the following Motion:

Plaintiff's Motion \_\_\_\_\_

Defendant's Motion \_\_\_\_\_

will be presented to the Court on \_\_\_\_\_, \_\_\_\_\_, 20\_\_, at \_\_\_\_\_ AM/PM, in Court Room \_\_\_\_\_, City Hall, Philadelphia, PA. A copy of the Motion is attached.

By: \_\_\_\_\_

Date: \_\_\_\_\_

Attorney for

Pa. I.D. No.

Phone No.

**Address:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**CERTIFICATION OF SERVICE**

I do hereby certify that service of a true and correct copy of the above Motion was made on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, to the above party or counsel by:

United States Mail, postage pre-paid;

Fax at the following Fax Number: \_\_\_\_\_ . See Fax Confirmation.

Electronic Mail at: \_\_\_\_\_.

A copy of the email is attached

By: \_\_\_\_\_

Date: \_\_\_\_\_

Attorney for

**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
COURT OF COMMON PLEAS  
TRIAL DIVISION—CIVIL**

---

**DISCOVERY COURT 2005**

---

Immediately, upon receipt of the hearing date and time, the Discovery Motion(s) must be served upon all counsel and unrepresented parties.

<b>FEES:</b> \$30.00 per request	<b>APPLICABLE LOCAL RULE:</b> *208.3
----------------------------------	--------------------------------------

**HOW TO OBTAIN A HEARING**

1. ***By Fax:*** Fax a Hearing Request form with a credit card number and expiration date. Fax number: 215-686-3777.
2. ***In Person:*** File a Hearing Request form in Room 287 City Hall with a credit card number or a check made payable to the “Prothonotary” in the amount of \$30.00 for each request.
3. ***By Mail:*** Mail a Hearing Request form to Room 287 City Hall along with your credit card number or a check made payable to the “Prothonotary” in the amount of \$30.00 for each request.

**EMERGENCY HEARINGS**

In order to obtain an emergency discovery hearing, counsel must appear in person in Room 287 City Hall, between the hours of 9:00 a.m. and noon, the day before the designated hearing day for the specific program type. The emergency discovery motion will be placed on the hearing list for the next day.

For example, if you have an emergency motion in a Day Forward 2004 case, you must appear in Room 287 City Hall on Monday, between the hours of 9:00 a.m. and noon, in order to have your emergency motion heard by the Day Forward 2004 team on Tuesday.

Court of Common Pleas of Philadelphia County

Trial Division  
**Civil Cover Sheet**

For Prothonotary Use Only (Docket Number)

PLAINTIFF'S NAME <b>In Re:</b>		DEFENDANT'S NAME	
PLAINTIFF'S ADDRESS		DEFENDANT'S ADDRESS	
PLAINTIFF'S NAME		DEFENDANT'S NAME	
PLAINTIFF'S ADDRESS		DEFENDANT'S ADDRESS	
PLAINTIFF'S NAME		DEFENDANT'S NAME	
PLAINTIFF'S ADDRESS		DEFENDANT'S ADDRESS	
TOTAL NUMBER OF PLAINTIFFS <b>1</b>	TOTAL NO. OF DEFENDANTS <b>0</b>	COMMENCEMENT OF ACTION <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Petition Action <input type="checkbox"/> Notice of Appeal <input type="checkbox"/> Writ of Summons <input type="checkbox"/> Transfer From Other Jurisdictions	
AMOUNT IN CONTROVERSY <input type="checkbox"/> \$50,000.00 or less <input type="checkbox"/> More than \$50,000.00	COURT PROGRAMS <input type="checkbox"/> Arbitration <input type="checkbox"/> Mass Tort <input type="checkbox"/> Commerce <input type="checkbox"/> Settlement <input type="checkbox"/> Jury <input type="checkbox"/> Savings Action <input type="checkbox"/> Minor Court Appeal <input type="checkbox"/> Minors <input type="checkbox"/> Non-Jury <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Statutory Appeals <input type="checkbox"/> W/D/Survival <input type="checkbox"/> Other:		
CASE TYPE AND CODE (SEE INSTRUCTIONS)  <b>8C NAME CHANGE - ADULT</b>			
STATUTORY BASIS FOR CAUSE OF ACTION (SEE INSTRUCTIONS)			
RELATED PENDING CASES (LIST BY CASE CAPTION AND DOCKET NUMBER)			IS CASE SUBJECT TO COORDINATION ORDER?  Yes      No <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
TO THE PROTHONOTARY: Kindly enter my appearance on behalf of Plaintiff/Petitioner/Appellant: Papers may be served at the address set forth below.			
NAME OF PLAINTIFF'S/PETITIONER'S/APPELLANT'S ATTORNEY		ADDRESS (SEE INSTRUCTIONS)	
PHONE NUMBER	FAX NUMBER		
SUPREME COURT IDENTIFICATION NO.		E-MAIL ADDRESS	
SIGNATURE		DATE	

**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY  
TRIAL DIVISION—CIVIL**

\_\_\_\_\_  
*Name*

\_\_\_\_\_  
*Address*

\_\_\_\_\_  
*City, State & Zip Code*

\_\_\_\_\_  
*Telephone Number*

**IN THE MATTER OF** : \_\_\_\_\_ **TERM,** \_\_\_\_\_  
**PETITION FOR CHANGE OF** :  
**NAME OF** :  
: :  
: :  
: :  
: :  
: :  
: :  
\_\_\_\_\_ : **NO.** \_\_\_\_\_

**PETITION FOR CHANGE OF NAME**

**TO THE HONORABLE, THE JUDGES OF SAID COURT:**

The Petition of \_\_\_\_\_, Petitioner, respectfully represents:

1. Petitioner, \_\_\_\_\_, is seeking a change of name for the following reasons:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Petitioner has resided at the following address(es): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

for \_\_\_\_\_ years prior to filing of this petition.

3. There are no judgments or decrees of like character of record against Petitioner.

**WHEREFORE**, Petitioner respectfully requests this Court, pursuant to the Act of December 16, 1982, P.L. 1309, No. 295, Section 2, 54 Pa. Cons. Stat. Section 702, for the following:

- a. To fix a hearing on this Petition;
- b. To direct that notice be given of this Petition and hearing; and,
- c. To enter a decree changing the Petitioner's name from

\_\_\_\_\_ to \_\_\_\_\_.

This Petition for Change of Name is respectfully submitted by:

\_\_\_\_\_  
*(Please print name)*

\_\_\_\_\_  
*Signature of Petitioner*

Date: \_\_\_\_\_



**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY  
TRIAL DIVISION—CIVIL**

**IN THE MATTER OF** : \_\_\_\_\_ **TERM,** \_\_\_\_\_  
**PETITION FOR CHANGE OF** :  
**NAME OF** :  
 :  
 :  
 :  
 :  
 :  
 : **NO.** \_\_\_\_\_

**ORDER FOR PUBLICATION**

**AND NOW**, this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_\_,  
on motion of the above named Petitioner, it is **ORDERED** and **DECREED** that the  
within Petition for Change of Name be heard on the \_\_\_\_\_ day of  
\_\_\_\_\_, 200\_\_\_\_\_, in Courtroom 285, City Hall, Philadelphia, Pa., at  
\_\_\_\_\_ o'clock \_\_\_\_\_.m., and that notice of the filing of the within petition and of  
the aforesaid date of hearing be published in *The Legal Intelligencer*, and a paper of  
general circulation.

**BY THE COURT:**

\_\_\_\_\_  
**J.**

**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY  
TRIAL DIVISION—CIVIL**

**IN THE MATTER OF** : \_\_\_\_\_ **TERM,** \_\_\_\_\_  
**PETITION FOR CHANGE OF** :  
**NAME OF** :  
 :  
 :  
 :  
 :  
 :  
 :  
 :  
 : \_\_\_\_\_ **NO.** \_\_\_\_\_

**NOTICE OF NAME CHANGE**

**NOTICE**

**NOTICE IS HEREBY GIVEN** that on the \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_, the Petition for Change of Name, filed by Petitioner, \_\_\_\_\_, was filed in the above-named Court, praying for a decree to change his/her name to \_\_\_\_\_.

The Court has fixed \_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_ .m., in \_\_\_\_\_, Philadelphia, Pa., as the time and place for the hearing of said Petition, when and where all persons interested may appear and show cause, if any they have, why the prayer of the said petition should not be granted.

\_\_\_\_\_  
Petitioner



---

**Section 9**

---

**Motions for Approval  
of Wrongful Death/Survival  
and  
Minor's Compromise  
Actions**

**PETITIONS FOR APPROVAL AND DISTRIBUTION OF  
WRONGFUL DEATH AND SURVIVAL ACTIONS  
AND MINORS' COMPROMISE ACTIONS**

**MOTIONS & PROCEDURE**

**Petitions to Settle Actions Involving Minors or Incapacitated Persons**

Petitions for Approval and Distribution of Wrongful Death and Survival actions and Minors' Compromise actions may be filed in two procedural contexts: (1) as an initial petition where there has been no civil action filed and (2) as a petition where an action has been formally filed and given a court term and number.

Since the procedures differ somewhat in these two cases, each will be described separately.

**No Civil Action Previously Filed**

Where no civil litigation was previously filed in the Trial Division–Civil, a Petition for Approval and Distribution may be filed directly with the Orphans' Court Division in Room 415, City Hall for a fee of \$19.00. Alternatively, the petition may be filed with the Prothonotary of the Court of Common Pleas in Room 280, City Hall, and the Civil Motions Clerk in Room 296 City Hall, for a commencement fee of \$214.50 in cases involving a single defendant with a charge of \$11.00 for each additional defendant in the case.

If the petitioner decides to file the petition with the Orphans' Court Division in Room 415 City Hall, it is assigned to a judge in the Orphans' Court Division. The petition is then held until the expiration of the twenty (20) day response period. Once the response period has elapsed, the judge will enter a final, dispositive order. Copies of the order are sent to all interested parties. The order and petition are then returned to the Orphans' Court Division where the order is docketed.

If the petitioner files the petition with the Trial Division–Civil Prothonotary in Room 280 of City Hall, the petition must also be filed with the Office of Civil Administration, Civil Motions Clerk in Room 296, City Hall. It will be held by Civil Administration until the expiration of the twenty (20) day response period for both Minors' Compromise actions and Wrongful Death/Survival actions. The petition is then assigned to a judge in the Orphans' Court Division who will enter a final, dispositive order. Copies of the order are sent to all interested parties. The order and petition are returned to the Office of Civil Administration where the order is docketed.

**Civil Action Is Pending**

If the parties to a civil action that was formally filed wish to settle an action involving the

interests of Minors or Incapacitated Persons, they should file their Motion/Petition with the Civil Motions Clerk in Room 296, City Hall with a filing fee of \$30 payable to the Prothonotary in Room 282, City Hall. The petition is then held by the Office of Civil Administration until the expiration of the twenty (20) day response period. Once the response period has elapsed, the petition is assigned to a judge in the Orphans' Court Division who will enter a final, dispositive order. Copies of the order are sent to all interested parties. The order and petition are then returned to the Office of Civil Administration where the order is docketed.

**Petitions to Settle Wrongful Death\Survival Actions**

Petitions to Settle Wrongful Death/Survival Actions likewise may be filed either where no civil action has been previously filed or where there is a civil action pending.

**No Civil Action Was Previously Filed**

Petitions for Approval of Settlements of Wrongful Death/Survival actions where no civil action has been initiated should be filed with the Prothonotary in Room 280, City Hall if the petition does not involve the interests of a Minor or Incapacitated Person. The petition must also be filed with the Civil Motions Clerk, Room 296, City Hall where it will be held for the expiration of the twenty (20) day response period. The motion is then assigned to an Orphans' Court judge for a final, dispositive order. Copies of the order are sent to all interested parties. The order and petition are then returned to the Office of Civil Administration where the order is docketed.

If the wrongful death or survival action involves the interest of a Minor or Incapacitated Person, the petition may be filed either with the Prothonotary or with the Orphans' Court Division in Room 415 City Hall. It will then be held for the twenty (20) day response period. The motion will be assigned to the Administrative Judge of the Orphans' Court Division for a final dispositive order. Copies of the order are sent to all interested parties. The order and petition are returned to the Orphans' Court Division where the order is docketed.

**Civil Action is Pending**

A petition to settle wrongful death\survival actions in a pending civil action should be filed with the Civil Motions Clerk in Room 296 of City Hall, where it will be held until the expiration of the twenty (20) day response period. Once this response period has elapsed, the petitions are assigned to the Administrative Judge of the Orphans' Court Division for a final dispositive order. The order is then returned to the office of Civil Administration where it is docketed and a copy mailed to all interested parties.

Court approval is necessary whenever a lawsuit involving the interest of a minor or incapacitated person is settled or discontinued. See Pa.R.C.P. 2039; Pa.R.C.P. 2064; Phila. R.Civ.P. \*2039.1. The purpose of this rule is to protect the interests of the minor or incapacitated person by requiring court scrutiny of the manner in which settlement funds are allocated. Court approval is

also necessary for the settlement of any wrongful death action involving the interests of a minor or incapacitated person. See Pa.R.C.P. 2206; Phila. R. Civ.P. \*2206. Finally, court approval is always required for the settlement of survival actions to protect the interests of an estate, its beneficiaries and creditors. In re Merryman, 669 A.2d 1059 (Pa. Super. 1995); Moore v. Gates, 398 Pa. Super. 211, 580 A.2d 1138, 1141 (1990), alloc. denied, 527 Pa. 617, 590 A.2d 758 (1991); Ringler Estate, 29 Fiduc. Rep. 499 (O.C. Div. 1979).

**Petitions for Allowance from a Minor's Account**

Petitions for Allowance in those cases where a guardian has been appointed by the Orphans' Court Division of Philadelphia County shall be filed directly with such Division. A copy of the Order approving the settlement shall be attached to the petition.

Petitions for Allowance in those cases where a guardian has been appointed by the Orphans' Court Division of a county other than Philadelphia, or by a different state, shall be filed directly with such appointing Court. A copy of the Order approving the settlement shall be attached to the Petition.

Petitions for Allowance in those cases where a guardian has not been appointed shall be filed with the Orphans' Court Division of the appropriate county or other state. A copy of the Order approving the settlement shall be attached to the Petition.

To facilitate the approval of these petitions, the court has published forms and checklists as a Joint Court Regulation of the Trial Division and Orphans' Court Division No. 97-1. These forms are readily available in the appendix of the published local Orphans' Court rules and should be consulted whenever a petition to settle is filed. The procedure for the disposition of these motions has been set forth in the attached Joint General Court Regulation Trial Division and Orphans' Court Division No. 97-1.

**IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY  
FIRST JUDICIAL DISTRICT**

---

**JOINT GENERAL COURT REGULATION  
TRIAL DIVISION AND ORPHANS= COURT DIVISION  
NO. 97-1**

---

**Procedure for Approval of Compromises Involving Minors,  
Incapacitated Persons, Wrongful Death and Survival Actions**

In order to fully implement a comprehensive procedure dealing with the settlement of cases involving Minors, Incapacitated Persons, Wrongful Death and Survival Actions in light of the experience gathered through the implementation of Joint General Court Regulation No. 93-2 issued by the Administrative Judges of the Trial and Orphans= Court Divisions, IT IS HEREBY ORDERED and DECREED that the said Joint General Court Regulation is rescinded and consistent with Pa. R.C.P. No. 2039, 2064 and 2206 and Phila. Civ. R. No. 2039.1 and 2206, the following procedure shall be utilized in approving Petitions for settlements involving minors, incapacitated persons, wrongful death and survival actions:

**I. MINOR OR INCAPACITATED PERSON'S COMPROMISES**

(a) *Situs of the Filing of the Petition.* Petitions for Approval of Settlements in cases where minors or incapacitated persons have an interest shall be filed with the Prothonotary. The Prothonotary shall forward the Petition to the Office of Civil Administration where it will be held until after the expiration of the response period whereupon, by designation of the Administrative Judge of the Trial Division, and by agreement of the Administrative Judge of the Orphans' Court Division, the Petition will be assigned to a judge of the Orphans' Court Division, as directed by the Administrative Judge of the Orphans' Court Division, for the entry of an appropriate final appealable Order. The Order will be returned to the Office of Civil Administration for docketing and mailing to all interested parties.

(b) *Contents of Petition.* The Petition shall be substantially in the form set forth hereunder, and shall:

(1) set forth the date of birth and social security number of the minor plaintiff or incapacitated person, the names and addresses of the minor's parents, the name of the plaintiff's guardian and the appointing court, the address of the plaintiff, and a factual recitation of the salient facts which form the bases of the cause of action:

(2) state the terms of the settlement, including the specific provisions of any annuity,

if applicable, including the credit rating of the entity which assumes responsibility for future payments, the present cost of the annuity, periodic and lump sum payments, and otherwise comply with Pa. R.C.P. No. 2039 and 2064;

(3) state whether a lien or claim has been raised on behalf of any medical supplier, including the Department of Public Welfare;

(4) contain or be accompanied by the following:

(a) a written report of a physician setting forth the present condition of the minor or incapacitated person;

(b) a statement under oath by the guardian and, if appropriate, the parent(s), certifying (i) the present or mental condition of the minor or incapacitated person, and (ii) approval of the proposed settlement and distribution thereof;

(c) a statement of the professional opinion of counsel as to the reasonableness of the proposed settlement and the basis for such opinion; and

(d) if there is to be an allocation between parents and children or incapacitated persons, or among children or other parties, the amounts allocated to each party and specific reasons for such allocation must be set forth. In the event more than one plaintiff is involved, whether minor, adult, or incapacitated, Petitioner must set forth the amount each plaintiff is to receive and provide justification for the requested allocation;

(e) in the event that a minor is sixteen (16) years of age or older, his or her written approval of the proposed settlement and distribution thereof.

(f) a proposed Order.

(c) ***Appointment of a Guardian.*** Pennsylvania Rules of Civil Procedure No. 2028 and 2053 require that the minor or incapacitated person be represented in the action by a guardian when the minor or incapacitated person is a party to the action, who is to be duly appointed by the appropriate Orphans' Court Division or Court. In the event the circumstances of an individual case require the appointment of a guardian ad litem, the guardian ad litem shall submit a statement concerning his/her opinion as to the reasonableness of the proposed settlement and requested allocation of the gross settlement proceeds.

(d) ***Proof of Deposit and Compliance with Court Order.*** Within sixty (60) days of the entry of a final order, counsel shall file an Affidavit with the Office of Civil Administration certifying compliance with the Court Order, and shall submit proof of deposit in the form of a photocopy of the restricted certificate of deposit or bankbook. The Affidavit shall be substantially in the form set forth hereunder.

**II. PETITIONS FOR APPROVAL OF SETTLEMENTS IN WRONGFUL DEATH/SURVIVAL ACTIONS.**

(a) ***When Required.***

(1) ***Survival Action.*** Court approval of settlements in survival actions is always required.

(2) ***Wrongful Death.*** If the Complaint only raised a Wrongful Death claim, court approval of settlements shall be required only where a minor or incapacitated person has an interest.

(3) ***Combined Wrongful Death and Survival Actions.*** If the Complaint raised Wrongful Death and Survival claims, Court approval is required as to allocation between the categories notwithstanding the absence of minors or incapacitated persons, even if plaintiff requests that the entire proceeds be allocated entirely to the Wrongful Death claim.

(b) ***Situs of the Filing of the Petition.*** Petitions for Approval of Settlements in Wrongful Death or Survival Actions shall be filed with the Prothonotary. The Prothonotary shall forward the Petition to the Office of Civil Administration where it will be held until after the expiration of the response period whereupon, by designation of the Administrative Judge of the Trial Division, and by agreement of the Administrative Judge of the Orphans' Court Division, the Petition will be assigned to a judge of the Orphans' Court Division, as directed by the Administrative Judge of the Orphans' Court Division, for the entry of an appropriate final appealable Order. The Order will be returned to the Office of Civil Administration for docketing and mailing to all interested parties.

(c) ***Contents of Petition.*** The Petition shall be substantially in the form set forth hereunder, and shall:

(1) set forth the date of death of plaintiff-decedent, the name of the personal representative of the estate and the county of appointment. A copy of the Decree of the Register must be attached;

(2) state the terms of the settlement, including the specific allocation as between Wrongful Death and Survival, name the Wrongful Death beneficiaries and the amount each is to receive, name the intestate heirs of Plaintiff-decedent as of the date the cause of action arose, state reasons why the settlement and allocation are reasonable, and otherwise comply with Pa. R.C.P. No. 2206. In the event a portion of the settlement is payable through the purchase of an annuity, set forth the credit rating of the entity which assumes responsibility for future payments, the present cost of the annuity, as well as the periodic and lump sum payments.

(3) show compliance with Pa. R.C.P. No. 2205 and Phila. Civ. R. No. 2205, and set forth the name, relationship and address of plaintiff-decedent's intestate heirs who must be served with a copy of the Petition (as required by 20 Pa. C.S. §2101, et seq.);

(4) identify any other parties who may have a possible interest in plaintiff-decedent's estate, and list unpaid claims raised, or which are outstanding, in the decedent's estate;

(5) state whether a lien or claim has been raised on behalf of any medical supplier, including the Department of Public Welfare; and

(6) attach a Proposed Order.

(d) ***Proof of Deposit and Compliance with Court Order.*** Within sixty (60) days of the entry of a final order, counsel shall file an Affidavit with the Office of Civil Administration certifying compliance with the Court Order, and shall submit proof of deposit in the form of a photocopy of the restricted certificate of deposit or bankbook. The Affidavit shall be substantially in the form set forth hereunder.

### **III. PETITIONS FOR ALLOWANCE**

(a) Petitions for Allowance in those cases where a guardian has been appointed by the Orphans' Court Division of Philadelphia County shall be filed directly with such Division. A copy of the Order approving the settlement shall be attached to the Petition.

(b) Petitions for Allowance in those cases where a guardian has been appointed by the Orphans' Court Division of a county other than Philadelphia, or by a different state, shall be filed directly with such appointing Court. A copy of the Order approving the settlement shall be attached to the Petition.

(c) Petitions for Allowance in those cases where a guardian has not been appointed shall be filed with the Orphans' Court Division of the appropriate county or other state. A copy of the Order approving the settlement shall be attached to the Petition.

### **IV. INCONSISTENCY WITH PHILA. CIV. R. NO. 2039.1, 2039.2 AND 2206**

To the extent the terms of Phila. R.Civ. P. No. 2039.1, 2039.2 and 2206 differ from the terms provided in the within Joint General Court Regulation, the terms of the said rules are rescinded.

This Joint General Court Regulation is promulgated in accordance with the April 11, 1986, Order of the Supreme Court of Pennsylvania, Eastern District, No. 55 Judicial Administration, Docket No. 1, Phila. Civ. R. 51 and Pa. R.C.P. 239, and shall become effective thirty (30) days after publication in *The Pennsylvania Bulletin*. As required by Pa. R.C.P. 239,

the original Joint General Court Regulation shall be filed with the Prothonotary in a docket maintained for General Court Regulations issued by the Administrative Judge of the Trial Division, and copies be submitted to the Administrative Office of Pennsylvania Courts, the Legislative Reference Bureau and the Civil Procedural Rules Committee. Copies of the Regulation shall also be submitted to Legal Communications, Ltd., *The Legal Intelligencer*, Jenkins Memorial Law Library and the Law Library for the First Judicial District.

/s/  
**JOHN W. HERRON**  
**ADMINISTRATIVE JUDGE**  
**TRIAL DIVISION**

**DATE: 6/27/97**

/s/  
**PETRESE B. TUCKER**  
**ADMINISTRATIVE JUDGE**  
**ORPHANS' COURT DIVISION**

**DATE: 6/27/97**

**In the Court of Common Pleas of Philadelphia County  
First Judicial District of Pennsylvania**

**Joint General Court Regulation  
Trial Division and Orphans' Court Division No. 97-1  
Minors and Incapacitated Person Checklist**

Settlement/Trial Division Judge: \_\_\_\_\_ Court Term: \_\_\_\_\_

Caption: \_\_\_\_\_ Number: \_\_\_\_\_

Is this case disposed except for this petition? \_\_\_Yes \_\_\_No

If yes, how was it disposed? \_\_\_S.D.& E. \_\_\_Jury Trial \_\_\_Non-Jury Trial (Incls. Assessment of Damages)

\_\_\_Other (explain)\_\_\_\_\_

Consolidated Cases (Indicate Court Term and Number)\_\_\_\_\_

Any Pleadings filed in Orphans' Court:  Yes  No

**Are the following items included in the Petition/Order:**

**Yes      No**

- |  |                          |                          |
|--|--------------------------|--------------------------|
| 1. Minor's/Incapacitated Person's:   |                          |                          |
| a. Date of Birth   | <input type="checkbox"/> | <input type="checkbox"/> |
| b. SS#   | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Address   | <input type="checkbox"/> | <input type="checkbox"/> |
| d. Written approval of settlement if minor is 16 years of age or older   | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Parent(s)/guardian verification attached  | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. If guardian of estate was appointed, is Order attached  | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. Information concerning mother and father  | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. Details concerning the injury   | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. Doctor's report of present condition of minor/incapacitated person  | <input type="checkbox"/> | <input type="checkbox"/> |
| 7. Statement from parents and/or guardian certifying the condition of minor/incapacitated person and approval of proposed settlement | <input type="checkbox"/> | <input type="checkbox"/> |
| 8. Counsel's reasons for approval of proposed settlement   | <input type="checkbox"/> | <input type="checkbox"/> |
| 9. Petition signed by counsel  | <input type="checkbox"/> | <input type="checkbox"/> |
| 10. Department of Welfare or any other entity lien or claim  | <input type="checkbox"/> | <input type="checkbox"/> |
| 11. Does the Order contain the following:  |                          |                          |
| a. Itemization of costs for reimbursement  | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Counsel fee computed on net settlement  | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Affidavit will be filed certifying compliance with the Order  | <input type="checkbox"/> | <input type="checkbox"/> |
| d. Amount to minor/incapacitated person ( <i>in restricted accounts, typically if under \$350,000</i> )                              | <input type="checkbox"/> | <input type="checkbox"/> |
| e. Amount to Guardian of minor/incapacitated person ( <i>typically if over \$350,000</i> )   | <input type="checkbox"/> | <input type="checkbox"/> |

*I verify the answers above to be true and correct and understand  
that sanctions may be imposed for inaccurate or incomplete answers.*

**IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY  
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
TRIAL DIVISION--CIVIL**

<b>PLAINTIFF</b>	:	_____ <b>TERM, 20</b> _____
	:	
<b>vs.</b>	:	<b>NO</b> _____
	:	
<b>DEFENDANT</b>	:	<b>CONTROL NO.</b> _____

**PETITION FOR LEAVE TO SETTLE OR  
COMPROMISE MINOR'S ACTION<sup>1</sup>**

To the Honorable, the Judges of the Said Court:

1. Petitioner is (see Pa.R.C.P. 2026): \_\_\_\_\_.
2. The minor was born on \_\_\_\_\_, and his/her social security number is \_\_\_\_\_.
3. The minor resides with \_\_\_\_\_, at the following address: \_\_\_\_\_.
4. A guardian (was) (was not) appointed for the minor as follows:  
\_\_\_\_\_  
A copy of the order is attached hereto.
5. The minor's mother is \_\_\_\_\_, who resides at the following address: \_\_\_\_\_.
6. The minor's father is \_\_\_\_\_, who resides at the following address: \_\_\_\_\_.

---

<sup>1</sup> In the event the Petition involves an Incapacitated Person, appropriate changes are to be made. See Pa.R.C.P. 2051, et seq.

7. The defendant is \_\_\_\_\_ who resides or whose principal place of business at all relevant times was \_\_\_\_\_  
\_\_\_\_\_.

8. On \_\_\_\_\_ the minor sustained the following injuries at the following location (set forth in detail): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

(If additional space is needed, please continue on separate page).

9. A Complaint was filed against defendant(s) as follows: \_\_\_\_\_  
\_\_\_\_\_.

10. Attached hereto is a report by Dr. \_\_\_\_\_ dated \_\_\_\_\_ which sets forth the present condition of the minor.

11. Attached hereto is a statement, under oath, of the minor's parents and/or guardian and/or guardian ad litem certifying the physical and/or mental condition of the minor, as well as the parents' and/or guardian's and/or guardian ad litem's approval of the proposed settlement and distribution.

12. Attached here to is the written approval of the proposed settlement and distribution by the minor, who is sixteen (16) years of age or older.

13. The following settlement has been proposed:2 \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

(If additional space is needed, please continue on separate page).

---

2 Phila. Civ. R. 2039.1(D)(3(e) provides that if there is to be an allocation between parents and children or incapacitated persons or among children or other parties, the amounts allocated to each party and specific reasons for such allocation must be set forth. Additionally, if more than one plaintiff is involved, whether minor, adult or incapacitated, Petitioner must set forth the amount each is to receive and shall provide justification for the requested allocation. In the event a portion of the settlement is payable through the purchase of an annuity, set forth the credit rating of the entity which assumes responsibility for future payments, the present cost of the annuity, as well as the periodic and lump sum payments.

14. Counsel is of the professional opinion that the proposed settlement is reasonable due to the following: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
(If additional space is needed, please continue on separate page).
15. Counsel has incurred the following expenses for which reimbursement is sought (please set forth in detail) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
(If additional space is needed, please continue on separate page).
16. The following costs have been incurred by or on behalf of the minor and must be paid from the proceeds of the settlement: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
(If additional space is needed, please continue on separate page).
17. The Department of Public Welfare, or any other entity, does (not) have a claim or lien against the plaintiff(s) as follows: \_\_\_\_\_  
\_\_\_\_\_  
(If additional space is needed, please continue on separate page).
18. Counsel requests a fee in the sum of \$\_\_\_\_\_, which is \_\_\_\_\_% percent of the net settlement payable to the minor. A copy of the retainer agreement is attached.
19. Counsel (has) (has not) and (will) (will not) receive collateral payments as counsel fees for representation involving the same matter from third parties (i.e., subrogation).



**VERIFICATION**

I, \_\_\_\_\_, am the Petitioner in this action and hereby verify that the statements made in the foregoing Petition to Settle or Compromise Minor's Action are true and correct to the best of my knowledge, information and belief.

I understand that the statements in said Petition are made subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.

DATE: \_\_\_\_\_

\_\_\_\_\_  
PETITIONER

**IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY  
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
TRIAL DIVISION-CIVIL**

**PLAINTIFF** : \_\_\_\_\_ **TERM, 20** \_\_\_\_\_  
 :  
**vs.** : **NO.** \_\_\_\_\_  
 :  
**DEFENDANT** : **CONTROL NO.** \_\_\_\_\_

**ORDER APPROVING SETTLEMENT  
AND  
ORDER FOR DISTRIBUTION**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, upon consideration of the Petition for Leave to Compromise a Minor’s Action, filed \_\_\_\_\_, it is hereby ORDERED and DECREED that Petitioner is authorized to enter into a settlement with Defendant(s) \_\_\_\_\_ in the gross sum of \_\_\_\_\_ (\$\_\_\_\_\_) Dollars. Defendant(s) shall forward all settlement drafts or checks to Petitioners’ counsel for proper distribution.

IT IS FURTHER ORDERED and DECREED that the settlement proceeds be allocated as follows:

1. To: Minor Plaintiff(s):

NAME	DATE OF BIRTH	SOCIAL SEC. #	AMOUNT
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____

2. To: Adult Plaintiff(s)

_____	\$ _____
_____	\$ _____

IT IS FURTHER ORDERED and DECREED that the settlement proceeds be distributed as follows:

1. Minor Plaintiff\*

	NAME	DATE OF BIRTH	SOCIAL SEC. #	AMOUNT
	_____	_____	_____	\$ _____
a.	To: _____, Esquire Reimbursement of Costs			\$ _____
b.	To: _____ Costs			\$ _____
c.	To: _____, Esquire Counsel Fees			\$ _____
d.	The balance, the sum of \$ _____, payable to _____, a minor, shall be distributed as follows:†			

**OPTION 1**

To: \_\_\_\_\_, \$ \_\_\_\_\_  
Guardian of the estate of \_\_\_\_\_, a minor; provided, however, that no payment shall be made to the guardian until the guardian has posted additional security as required by the Orphans' Court Division of \_\_\_\_\_ County pursuant to 20 Pa. C.S. §5121, et seq. An appropriate Petition shall be filed with the Orphans' Court within thirty (30) days.

**OPTION 2**

Counsel is hereby authorized to execute all documentation necessary to purchase savings certificate(s), from federally insured banks or

\*The share of each minor Plaintiff shall be separately distributed.

†In the event a portion of the settlement is payable through the purchase of an annuity, set forth the credit rating of the entity which assumes responsibility for future payments, the present cost of the annuity, as well as the periodic and lump sum payments.

savings institutions having an office in Philadelphia County, in the sum of \$\_\_\_\_\_, each not to exceed the insured amount, with the funds payable to the minor upon majority. The certificate shall be titled and restricted as follows:

\_\_\_\_\_, a minor, not to be redeemed except for renewal in its entirety, not to be withdrawn, assigned, negotiated, or, otherwise, alienated before the minor attains majority, except upon prior Order of Court. Counsel shall open a savings account in the sum of \$\_\_\_\_\_ in the name of the minor. The savings account shall be titled and restricted as follows:

\_\_\_\_\_, a minor, not to be withdrawn before the minor attains majority, except for the payment of city, state, and federal income taxes on the interest earned by the savings certificate and savings account, or upon prior Order of Court.

2. Adult Plaintiff\*

The portion of the settlement payable to \_\_\_\_\_, an Adult Plaintiff named in the Complaint, shall be distributed as follows:

- To: \_\_\_\_\_, Esquire      \$ \_\_\_\_\_  
Reimbursement of Costs
- To: \_\_\_\_\_      \$ \_\_\_\_\_  
Costs
- To: \_\_\_\_\_, Esquire      \$ \_\_\_\_\_  
Counsel Fees
- To: \_\_\_\_\_      \$ \_\_\_\_\_  
Plaintiff

---

\*The share of each adult plaintiff shall be separately distributed.

Pursuant to Phila. Civ. R. 2039.1(I), counsel shall file with the Office of Civil Administration within sixty (60) days from the date of this final Order, proof of the establishment of the accounts as required herein, by Affidavit from counsel certifying compliance with this Order. Counsel shall attach to the Affidavit a copy of the Certificate of Deposit and/or bank account containing the required restrictions.

BY THE COURT:

---

Orphans' Court Division

J.

**In the Court of Common Pleas of Philadelphia County  
First Judicial District of Pennsylvania**

Joint General Court Regulation  
Trial Division and Orphans' Court Division No. 97-1  
**Wrongful Death and Survival Actions Checklist**

Settlement/Trial Division Judge: \_\_\_\_\_ Court Term: \_\_\_\_\_

Caption: \_\_\_\_\_ Number: \_\_\_\_\_

Is this case disposed except for this petition? \_\_\_ Yes \_\_\_ No

If Yes, how was it disposed? \_\_\_ S.D. & E. \_\_\_ Jury Trial \_\_\_ Non-Jury Trial (Incls. Assessment of Damages)

\_\_\_ Other (explain) \_\_\_\_\_

Consolidated Cases (Indicate Court Term and Number) \_\_\_\_\_

Any Pleadings filed in Orphans' Court:  Yes  No

**Are the following items included in the Petition:**

	<b>Yes</b>	<b>No</b>
1. Verification from Administrator/Executor	<input type="checkbox"/>	<input type="checkbox"/>
2. If guardian of estate was appointed, is Order attached	<input type="checkbox"/>	<input type="checkbox"/>
3. Notice letter to all parties in interest is attached	<input type="checkbox"/>	<input type="checkbox"/>
4. Counsel's reasons for approval of proposed settlement	<input type="checkbox"/>	<input type="checkbox"/>
5. Reasons for the allocation between wrongful death and survival action	<input type="checkbox"/>	<input type="checkbox"/>
6. Reason and amount of pecuniary loss suffered by each beneficiary of Wrongful Death Claim	<input type="checkbox"/>	<input type="checkbox"/>
7. Petition signed by counsel	<input type="checkbox"/>	<input type="checkbox"/>
8. Department of Welfare or any other entity claim or lien	<input type="checkbox"/>	<input type="checkbox"/>
9. Does the Order of Distribution set forth the following:		
a. Itemization of costs for reimbursement	<input type="checkbox"/>	<input type="checkbox"/>
b. Counsel fee computed on net settlement	<input type="checkbox"/>	<input type="checkbox"/>
c. Wrongful Death Claim	<input type="checkbox"/>	<input type="checkbox"/>
i. Amount to spouse and adult children	<input type="checkbox"/>	<input type="checkbox"/>
ii. Amount to minor/incapacitated person <i>(in restricted accounts, typically if under \$350,000)</i>	<input type="checkbox"/>	<input type="checkbox"/>
iii. Amount to Guardian of minor/incapacitated person <i>(typically if over \$350,000)</i>	<input type="checkbox"/>	<input type="checkbox"/>
iv. Parent	<input type="checkbox"/>	<input type="checkbox"/>
d. Survival Claim: To Administrator/Executor of the Estate of the Deceased	<input type="checkbox"/>	<input type="checkbox"/>
e. Affidavit will be filed certifying compliance with the Order	<input type="checkbox"/>	<input type="checkbox"/>

*I verify the answers above to be true and correct and understand that sanctions may be imposed for inaccurate or incomplete answers.*

**IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY  
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
TRIAL DIVISION-CIVIL**

**PLAINTIFF** : \_\_\_\_\_ **TERM, 20** \_\_\_\_\_  
: :  
**vs.** : **NO.** \_\_\_\_\_  
: :  
**DEFENDANT** : \_\_\_\_\_

**AFFIDAVIT OF PROOF OF DEPOSIT**

I, \_\_\_\_\_, Esquire, hereby state and affirm that I have complied with the Order issued on \_\_\_\_\_ by the Honorable \_\_\_\_\_ as follows:

Copies of bank accounts are attached hereto.

I verify that the statements in this Affidavit are made subject to the penalties of 18 Pa. C.S. 4904 relating to unsworn falsification to authorities.

DATE: \_\_\_\_\_  
\_\_\_\_\_, Esquire  
Attorney for Petitioner

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY  
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
TRIAL DIVISION-CIVIL

PLAINTIFF : \_\_\_\_\_ TERM, 20\_\_\_\_\_  
 :  
 vs. : NO \_\_\_\_\_  
 :  
 DEFENDANT : CONTROL NO. \_\_\_\_\_

**PETITION FOR LEAVE TO SETTLE**  
**WRONGFUL DEATH AND SURVIVAL ACTIONS**

To the Honorable, the Judges of the Said Court:

The Petition of \_\_\_\_\_, Administrator/Executor of the Estate of \_\_\_\_\_, Deceased, by his attorney, \_\_\_\_\_, Esquire, respectfully requests:

1. Petitioner is \_\_\_\_\_, who was appointed Administrator/Executor of the Estate of \_\_\_\_\_, Deceased, on \_\_\_\_\_ 20\_\_\_\_\_, by the Register of Wills of \_\_\_\_\_ County. A copy of the Decree of the Register is attached.
2. The plaintiff decedent died on \_\_\_\_\_ as a result of: [set forth relevant information describing the underlying negligence or cause of action as required by Philadelphia Civ. R. 2206(D)].

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(If additional space is needed, please continue on separate sheet).

3. Notice of the institution of the action as required by Pa. R.C.P. 2205 and Philadelphia Civ. R. 2205 was given on \_\_\_\_\_ to the following individuals:

NAME:	ADDRESS:
_____	_____
_____	_____
_____	_____

4. Pursuant to Phila. Civil R. 2206(B) Petitioner has served a copy of this Petition on the intestate heirs<sup>5</sup> of plaintiff decedent (as provided in 20 Pa. C.S. §2101 et seq.) who are as follows:

<b>NAME</b>	<b>RELATIONSHIP</b>	<b>ADDRESS</b>
_____	_____	_____
_____	_____	_____
_____	_____	_____

5. Pursuant to Phila. Civ. R. 2206(B) Petitioner has served a copy of this Petition on the following parties who may have a possible interest:

<b>NAME</b>	<b>RELATIONSHIP</b>	<b>ADDRESS</b>
_____	_____	_____
_____	_____	_____
_____	_____	_____

6. Decedent (did) (did not) have a Will. A copy is attached.
7. The following unpaid claims\* have been raised and/or are outstanding in the decedent's estate:

<b>CREDITOR</b>	<b>AMOUNT DUE</b>
_____	_____
_____	_____

---

<sup>5</sup> In the event any court has appointed a guardian for a minor heir or incapacitated person, set forth the name of the guardian, the Court date, and manner of appointment.

\* Petitioner must indicate whether the Department of Public Welfare has a claim or a lien against Petitioners, the Estate or any wrongful death beneficiaries.

---

8. A Complaint was filed against defendant(s) as follows: \_\_\_\_\_

---

9. The following settlement has been proposed:+

---

(If additional space is needed, please continue on a separate page).

10. Counsel is of the professional opinion that the proposed settlement is reasonable due to the following (state the reasons why in the professional opinion of counsel the settlement is proper):

---

(If additional space is needed, please continue on a separate page).

11. Petitioner is of the opinion that the proposed settlement is reasonable.

12. Counsel has incurred the following expenses for which reimbursement is sought (please set forth in detail):

---

(If additional space is needed, please continue on a separate page).

13. Counsel requests counsel fees in the amount of \$\_\_\_\_\_, which represents \_\_\_\_\_% of the net proceeds of the settlement.

14. Petitioner requests allocation of the net proceeds of the settlement (after deduction of costs and attorney's fees) as follows:

a. Wrongful Death Claim \$\_\_\_\_\_

---

+ In the event a portion of the settlement is payable through the purchase of an annuity, set forth the credit rating of the entity which assumes responsibility for future payments, the present cost of the annuity, as well as the periodic and lump sum payments.

b. Survival Claim \$ \_\_\_\_\_

15. The reasons for the requested allocation are as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(If additional space is needed, please continue on a separate page).

16. Pursuant to the Wrongful Death Statute (42 Pa. C.S. §8301), the beneficiaries of the Wrongful Death Claim, and the proportion of their interest, are as follows:

NAME	AMOUNT DUE
_____	\$ _____
_____	\$ _____

17. The pecuniary loss suffered by the beneficiaries listed in Paragraph 15 is as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(If additional space is needed, please continue on a separate page).

WHEREFORE, Petitioner requests that he/she be permitted to enter into the settlement recited above, and that the Court enter an Order of Distribution\* as follows:

a. To: \_\_\_\_\_, Esquire \$ \_\_\_\_\_  
Reimbursement of Costs

b. To: \_\_\_\_\_ \$ \_\_\_\_\_  
Costs

c. To: \_\_\_\_\_, Esquire \$ \_\_\_\_\_  
Counsel Fees

d. **Wrongful Death Claim**

\_\_\_\_\_  
\* Counsel is cautioned to specifically provide the requested distribution. Requests that distribution be “as per attached Order” are not acceptable.

- i. To: Spouse; and/or \$ \_\_\_\_\_
- ii. To: Adult Child(ren); and/or \$ \_\_\_\_\_
- iii. To: Minor Child(ren); and/or \$ \_\_\_\_\_  
incapacitated person; and/or  
a. in restricted accounts; or \$ \_\_\_\_\_  
b. to the guardian of the minor(s) \$ \_\_\_\_\_  
estate and/or
- iv. To: Parent(s) \$ \_\_\_\_\_

e. **Survival Claim**

To: \_\_\_\_\_, Administrator/  
Executor of the Estate of \_\_\_\_\_,  
Deceased. \$ \_\_\_\_\_

**RESPECTFULLY SUBMITTED:**

\_\_\_\_\_  
NAME OF ATTORNEY  
ATTORNEY FOR PETITIONER

**VERIFICATION**

I, \_\_\_\_\_, am the Petitioner in this action and hereby verify that the statements made in the foregoing Petition to Settle Wrongful Death and Survival Action are true and correct to the best of my knowledge, information and belief.

I understand that the statements in said Petition are made subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.

DATE: \_\_\_\_\_

\_\_\_\_\_  
PETITIONER

**IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY  
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
TRIAL DIVISION--CIVIL**

**PLAINTIFF** : \_\_\_\_\_ **TERM, 20** \_\_\_\_\_  
: \_\_\_\_\_  
**vs.** : **NO** \_\_\_\_\_  
: \_\_\_\_\_  
**DEFENDANT** : **CONTROL NO.** \_\_\_\_\_

**NOTICE**  
**PURSUANT TO PHILA. CIV. R. 2206**

**TO:** \_\_\_\_\_  
(Name of Beneficiary)

**DATE:** \_\_\_\_\_

**YOU ARE HEREBY NOTIFIED THAT,** \_\_\_\_\_,  
Administrator/Executor of the Estate of \_\_\_\_\_, Deceased, has filed  
(or will file) on \_\_\_\_\_, a Petition to Approve a Settlement of a  
Wrongful Death and Survival Action. A copy of that Petition is enclosed.

If you object to the proposed settlement and/or proposed distribution, you must submit your  
written objections or response to the Petition on or before\* \_\_\_\_\_,  
20\_\_\_\_\_, to the following address:

**Office of Civil Administration  
Civil Motions Program  
Room 296 City Hall  
Philadelphia PA 19107**

I hereby certify that the within Notice has been mailed to the above named individual(s) on the  
date set forth above.

\_\_\_\_\_  
NAME OF ATTORNEY  
ATTORNEY FOR PETITIONER

\_\_\_\_\_  
\* Unless waived by all beneficiaries or interested parties, the response period shall be twenty (20) days.

**IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY  
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
TRIAL DIVISION--CIVIL**

**PLAINTIFF** : \_\_\_\_\_ **TERM, 20** \_\_\_\_\_  
: \_\_\_\_\_  
**vs.** : **NO** \_\_\_\_\_  
: \_\_\_\_\_  
**DEFENDANT** : **CONTROL NO.** \_\_\_\_\_

**ORDER**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_, upon consideration of the Petition to Settle Wrongful Death and Survival Action filed on \_\_\_\_\_, 20 \_\_\_\_\_, it is hereby ORDERED and DECREED that Petitioner is authorized to enter into a settlement with Defendant(s) \_\_\_\_\_, in the gross sum of \_\_\_\_\_ (\$\_\_\_\_\_), Dollars. Defendant(s) shall forward all settlement drafts or checks to Petitioner’s counsel for proper distribution.

**IT IS FURTHER ORDERED and DECREED** that the settlement proceeds are allocated as follows:

- 1. Wrongful Death \$ \_\_\_\_\_
- 2. Survival Claim \$ \_\_\_\_\_

**IT IS FURTHER ORDERED and DECREED** that the settlement proceeds be distributed as follows:

- 1. To: \_\_\_\_\_, Esq. \$ \_\_\_\_\_  
For Costs
- 2. To: \_\_\_\_\_, Esq. \$ \_\_\_\_\_  
For Counsel Fees
- 3. The Wrongful Death Claim in the sum of \$ \_\_\_\_\_  
shall be paid as follows:
  - a. To: Spouse; and/or \$ \_\_\_\_\_
  - b. To: Adult Child(ren);\* and/or \$ \_\_\_\_\_

---

\* In the event the beneficiary is an incapacitated person, appropriate changes are to be made.

c. To: Minor Child(ren);+ \$ \_\_\_\_\_  
as provided hereunder

**OPTION 1**

To: \_\_\_\_\_ \$ \_\_\_\_\_  
Guardian of the Estate of  
\_\_\_\_\_, a minor  
provided, however, that no payment  
shall be made to the guardian until the  
guardian has posted additional  
security as may be required by the  
Orphans' Court Division of  
\_\_\_\_\_ County  
pursuant to 20 Pa. C.S. §5121, et seq.  
An appropriate Petition shall be filed  
With the Orphans' Court within  
thirty (30) days.

**OPTION 2**

Counsel is hereby authorized to execute all  
documentation necessary to purchase savings  
certificate(s) from federally insured banks or  
savings institutions having an office in  
Philadelphia County, in the sum of  
\$\_\_\_\_\_, each not to exceed the  
insured amount, with the funds payable to the  
minor upon majority. The certificate shall be  
titled in the name of the minor and shall be  
restricted as follows:

Not to be redeemed except for renewal in its  
entirety, not to be withdrawn, assigned,  
negotiated, or, otherwise alienated before the  
minor attains majority, except upon prior Order  
of Court. Counsel shall open a savings account  
in the sum of \$\_\_\_\_\_ in the name  
of the minor. The savings account shall be  
restricted as follows:

---

+ In the event part of the settlement proceeds are payable through the purchase of an annuity, the terms of the annuity shall be set forth in the Order.

Not to be withdrawn before the minor attains majority, except for the payment of city, state, and federal income taxes on the interest earned by the savings certificate and savings account, or upon prior Order of Court.

d. To: Parent(s) \$ \_\_\_\_\_

4. The Survival Claim in the sum of \$ \_\_\_\_\_ shall be paid to \_\_\_\_\_ Administrator/Executor, of the Estate of \_\_\_\_\_, Deceased; provided, however, that counsel shall not distribute any funds to the said Administrator/Executor until the additional security as may be required by the Register of Wills of \_\_\_\_\_ County pursuant to 20 Pa. C.S. §3323(b)(3) is posted.

Within sixty (60) days from the date of this final Order, counsel shall file with the Office of Civil Administration an Affidavit from counsel certifying compliance with this Order. Counsel shall attach to the Affidavit a copy of the Certificate of Deposit and/or bank account containing the required restrictions.

**BY THE COURT:**

\_\_\_\_\_  
J.  
ORPHANS' COURT DIVISION

cc: Register of Wills of \_\_\_\_\_ County

**IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY  
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
TRIAL DIVISION--CIVIL**

**PLAINTIFF** : \_\_\_\_\_ **TERM, 20** \_\_\_\_\_  
: \_\_\_\_\_  
**vs.** : **NO** \_\_\_\_\_  
: \_\_\_\_\_  
**DEFENDANT** : **CONTROL NO.** \_\_\_\_\_

**AFFIDAVIT OF PROOF OF DEPOSIT**

I, \_\_\_\_\_, Esquire, hereby state and affirm that I have complied with the Order issued on \_\_\_\_\_ by the Honorable \_\_\_\_\_ as follows:

Copies of bank accounts are attached hereto.

I verify that the statements in this Affidavit are made subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.

DATE: \_\_\_\_\_  
\_\_\_\_\_, Esquire  
Attorney for Petitioner

# **High Technology Courtroom**

---

## **625 City Hall**



**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY  
TRIAL DIVISION—CIVIL**

**High Technology Courtroom—625 City Hall**

**Introduction**

---

Thank you for expressing an interest in scheduling a trial in the court's High Technology Courtroom—625 City Hall. For your information, the attached documents describe the technologies that are available. If you are interested in using these technologies for trial, you must complete the "Request for Technology Courtroom—625 City Hall" form. This form may be obtained from any Judicial Team Leader, various offices in the Trial Division—Civil, or downloaded from the Court's website (<http://courts.phila.gov>). The form must be completed in its entirety and submitted to the Judicial Team Leader no later than one month before trial is scheduled to commence.

The request to utilize Courtroom 625 City Hall will be reviewed by the Civil Administration Executive Committee. This committee is comprised of all the Judicial Team Leaders and the Supervising Judge of the Trial Division—Civil. You will be notified of the committee's final decision in writing. If approved, your confirmation will include an explanation of how to proceed.

Should you require additional information regarding protocol or scheduling procedures, please contact the Judicial Team Leader assigned to the program in which the trial is scheduled. More specific questions regarding the technologies may be addressed to Daniel Bupp, Courtroom Technologist, Civil Administration, Trial Division—Civil, Room 296 City Hall, Philadelphia PA 19107, or at 215-686-4245.

The First Judicial District is very pleased to now have available for the citizens of Philadelphia these state-of-the-art technologies.



## **First Judicial District of Pennsylvania High Technology Courtroom—625 City Hall**

### **FACT SHEET**

---

The recently renovated Courtroom 625 in historical City Hall has become the First Judicial District of Pennsylvania's high technology courtroom. The following description lists some of the available technologies.

- A video evidence presentation system with distributed monitors, interactive plasma display, and touch-screen annotation at the podium and witness positions.
- The interactive display is a Smart Overlay mounted on a plasma screen allowing the easy marking of digital evidence by a witness.
- The Touch screens at the witness stand and the podium allow a witness or attorney to easily mark digitally displayed evidence for all in the courtroom to see.
- Document cameras, at both the podium and witness locations, allow the display of physical evidence such as documents, pictures, x-rays, slides, etc.
- A video player at the podium provides the ability to display video tapes and DVDs.
- Computer input connections at the podium, attorney tables and Judge's bench provide the display of computer generated and scanned materials to the courtroom.
- A video printer makes a picture size representation of the displayed evidence for creating a record of all annotated materials. This does not replace the original material, but simply records the markings of that material.
- A teleconference system allows clear audio telephone communications for remote audio testimony.
- A videoconferencing system provides remote witness appearances from anywhere in the state, country or world. Multiple TV cameras automatically switch to the speaker at various locations within the room and do not require any operator control.

- A court record capability of stenographic court reporter real-time transcription and digital audio recording allowing for a comprehensive record of the proceedings.
- Foreign language interpretation transmission through an infrared emitter system providing translation for foreign speaking participants in a trial.
- A sophisticated control system providing simple user operation with a minimum of training.



**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
PHILADELPHIA COURT OF COMMON PLEAS  
TRIAL DIVISION—CIVIL**

**Request for Technology Courtroom  
625 City Hall**

This form must be completed when requesting the use of the High-Technology Courtroom, 625 City Hall. Please complete this form in its entirety and return it to the judicial team leader assigned to the program in which the trial is scheduled. A list of judicial team leaders is attached for your information. In order to ensure proper consideration of this request, this form must be submitted to the judicial team leader no later than one month prior to the date trial is scheduled to begin. A copy of the request must be forwarded to all parties of record.

The party making this request shall bear all risk of loss or damage to the equipment while in their possession. The party must reimburse the First Judicial District of Pennsylvania immediately for all replacement and repair costs associated with the equipment while in their possession.

**Requestor Information**

Name/Company/Office: \_\_\_\_\_

Attorney Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

E-Mail: \_\_\_\_\_

Request is by (circle one): Agreement / Opposed

Case Information
------------------

Case I.D.: \_\_\_\_\_

Short Caption: \_\_\_\_\_

Judicial Team Leader: \_\_\_\_\_

Presiding Judge (if known): \_\_\_\_\_

Trial Date: \_\_\_\_\_

Estimated Number of Trial Days: \_\_\_\_\_

Technologies
--------------

***Teleconference/Videoconference/Audio***

*Remote testimony must originate from the remote location. The parties must contact the remote location and obtain their technical information and submit that information to the Office of Civil Administration **five (5) days prior to start of the trial.***

Have you obtained the consent of all parties to take testimony from a witness at another location through videoconferencing technology?

\_\_\_\_\_ Yes \_\_\_\_\_ No

Name of Site Initiating the Call: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Test Date (*minimum 48 hours prior to trial*): \_\_\_\_\_

Target ISDN Phone Number(s): \_\_\_\_\_

Long Distance/ISDN Service Carrier: \_\_\_\_\_

Bridge Provider: \_\_\_\_\_

Speed: \_\_\_\_\_ 112/128 \_\_\_\_\_ 224/256 \_\_\_\_\_ 336/384

Name and Phone Number of Contact Person for Day of Trial: \_\_\_\_\_

How many different sites must communicate? \_\_\_\_\_

Is a mechanism needed for confidential communication between sites?  
\_\_\_\_\_ Yes \_\_\_\_\_ No

Will documents need to be transmitted between sites?  
\_\_\_\_\_ Yes \_\_\_\_\_ No

Are you requesting digital recording while in the courtroom (not to be considered official record of event)?  
\_\_\_\_\_ Yes \_\_\_\_\_ No

***Court Record***

*If realtime court reporting is requested for this trial, contact must be made with Janet C. Fasy, Deputy Court Administrator for Court Reporting, 215-683-8000, to formalize all requests.*

Will you be requesting realtime court reporting for this trial?  
\_\_\_\_\_ Yes \_\_\_\_\_ No

If realtime reporting is requested, have all parties agreed to that request?  
\_\_\_\_\_ Yes \_\_\_\_\_ No

Will you request same-day copy?  
\_\_\_\_\_ Yes \_\_\_\_\_ No

***Equipment Operation***

*Any questions regarding the equipment that is now available in 625 should be directed to Daniel Bupp, Civil Administration, 215-686-4245. Mr. Bupp will be available to arrange for an on-site visit of 625 in advance of a trial. However, Mr. Bupp is not available to train individuals in the use and operation of this equipment.*

Who will be responsible for operating the equipment in the courtroom?

Name: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

What type of experience and/or training has this individual had in the operation of the 625 technologies?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name and Title

\_\_\_\_\_  
Date

**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY  
TRIAL DIVISION—CIVIL**

**SCHEDULE OF JUDICIAL TEAM LEADER ASSIGNMENTS**

<b>PROGRAM</b>	<b>JUDICIAL TEAM LEADER/COORDINATING JUDGE</b>	<b>CHAMBERS ADDRESS</b>
Day Forward 2005	Judge Jacqueline Allen	360 City Hall
Day Forward 2004	Judge Arnold New	606 City Hall
Day Forward 2003	Judge Sandra Mazer Moss	392 City Hall
Day Forward 2002	Judge Allan Tereshko	236 City Hall
Day Forward 2001 & Back	Judge Sandra Mazer Moss	392 City Hall
Commerce Program	Judge Albert Sheppard	529 City Hall
	Judge Howland Abramson	485 City Hall
	Judge C. Darnell Jones	1207 Criminal Justice Ctr.
Complex Litigation Ctr.	Judge Norman Ackerman	292 City Hall
Class Actions	Judge Mark Bernstein	530 City Hall



## **First Judicial District of Pennsylvania High-Technology Courtroom—625 City Hall**

### **Feedback and Evaluation**

In order to learn more about use of the District’s High-Technology Courtroom—625 City Hall, and evaluate how we might improve the courtroom and the process, we would appreciate your feedback on your recent experience. Please take a few moments to answer the following questions.

#### TECHNOLOGY

Check the box in front of each item you used during this trial and include in the space provided any comments or recommendations you feel might be beneficial to courtroom operations.

- Document Camera (witness box)

---

---

- Document Camera (counsel podium)

---

---

- Smartboard at Witness Box

---

---

- Annotation on Smartboard

---

---

- Video Printed Representation from Smartboard

---

---

VCR/DVD

---

---

Video-Conferencing

---

---

Computer Monitors in Jury Box

---

---

Computer Input Connections at Podium and Attorney Tables

---

---

Real-time Court Reporting

---

---

Digital Recording

---

---

Foreign Language Interpretation Transmission via Infrared

---

---

What technology did you find most useful?

---

---

What technology did you find least useful?

---

---

What would you like to see added to the technology in 625?

---

---

Do you have any comments on audio/acoustical features of the courtroom?

---

---

SCHEDULING

1. Were you scheduled as the (*circle one*) primary or back-up case on this date?
  
2. Did you receive scheduling confirmation in sufficient time for you to adequately prepare to use the courtroom?                      Yes                       No
  
3. Did you find the scheduling process cumbersome?                      Yes                       No
  
4. Were you able to get all the information you needed in a timely fashion?                      Yes                       No
  
5. How might we improve the scheduling protocol for the high-technology courtroom?

---

---

---

---

*At the conclusion of trial, please return this form to the Court Officer assigned to Courtroom 625. If you are unable to return the form at that time, please mail your feedback to:*

***High-Technology Courtroom  
Attn: Supervising Judge, Trial Division--Civil  
510 City Hall, Philadelphia, PA 19107***

---

Section 11

---

2005  
Schedule  
of  
Judicial  
Assignments



---

**Section 12**

---

# **Emergency Judge Assignment**

## THE EMERGENCY JUDGE ASSIGNMENT

The President Judge of the Court of Common Pleas is responsible for the assignment of judges to cover emergencies arising after normal court hours. See Phila. R. Civ. P. No. \*1531.

### Court of Common Pleas

The Emergency Judge is responsible for handling all Civil, Criminal, Orphans', and Family Court matters, which arise after normal court hours. The Emergency Judge is on duty during non-court hours commencing Friday at 5:00 p.m. through the following Friday at 9:00 a.m. A notice is published every Friday in The Legal Intelligencer identifying the designated judge for the week.

### Municipal Court

The President Judge of the Municipal Court similarly designates a weekly emergency judge who is available to cover all Municipal Court Civil and Criminal emergencies, including appeals from bail during the evening hours and weekends. See M.C. Crim. P. R. 21.

### Weddings

The Common Pleas Court emergency judge will also be available to perform weddings on Tuesday and Thursday at 4:00 p.m. in Room 410, City Hall. The Municipal Court emergency judge will perform weddings every fifth week.

### General Instructions and Information

The Emergency Judge will handle only those matters which require **immediate** judicial intervention arising after normal court hours, and which **could not** otherwise have been anticipated. Most "emergencies" can be handled during normal court hours utilizing existing procedure. For detailed information regarding this procedure, please refer to the Civil Motions Program section of this manual. Additionally, the Orphans' Court is able to expeditiously appoint an emergency guardian of a minor or a person alleged to be incapacitated when it appears that the person lacks capacity and may be in need of medical treatment. See 20 Pa. C.S. §5513. The Emergency Judge should not receive routine requests for medical authorization. Finally, most issues which arise in connection with criminal matters are handled by the Municipal Court bail commissioners and the Municipal Court Emergency Judge.

Counsel are cautioned only to seek Emergency Judge intervention in rare and extreme circumstances. The issuance of *ex parte* orders is discouraged. Furthermore, the

Emergency Judge will not act on any case that has been assigned to another judge for disposition, or where a hearing has been previously scheduled by the court. Additionally, the Emergency Judge will not vacate or modify an order entered by another judge of the Court of Common Pleas.

**Contact with the Emergency Judge**

The Emergency Judge can be contacted after normal court hours and weekends by calling the City Hall Supervising Operator at 215-686-5665. When the operator patches you through to the Emergency Judge, you must identify yourself, provide an office address and an attorney identification number. Most importantly, you are required to advise the Emergency Judge whether the matter is presently pending before any tribunal. If so, you must inform the Emergency Judge what steps, if any, have been taken to notify counsel for all represented parties. **Under no circumstances should an Emergency Judge be contacted directly by the caller at his/her residence.**

**TYPES OF MATTERS WHICH MAY BE ENCOUNTERED BY THE EMERGENCY JUDGE**

**Civil Matters**

As previously discussed, a systemic procedure exists for handling most “emergency” civil matters. However, the Emergency Judge may be called upon to rule on:

1. **Request for an Injunction.** Pa. R.C.P. No. 1531 provides that if it appears to the satisfaction of the Court that immediate and irreparable injury will be sustained, a preliminary or special injunction may be issued without notice or without a hearing. However, an injunction granted without notice shall be deemed dissolved unless a hearing on the continuance of the injunction is held within five (5) days after the granting of the injunction. Thus, unless the Emergency Judge schedules a hearing or the caller otherwise obtains a hearing within that time period, the injunction will automatically dissolve, unless all parties otherwise agree. The Emergency Judge may request the caller to file a petition with the Emergency Judge, the scheduled emergency Prothonotary Clerk prior to issuing an order, or with the Prothonotary on the next business day. Upon issuance, the order must be filed with the Prothonotary so that it may be docketed.
2. **Temporary Restraining Order to Prevent Violence, Mass Picketing and Threats of Violence, and Labor Disputes.** See 43 P.S. §206(a), et seq. A Complaint in Equity and a Temporary Restraining Order must be prepared and filed as directed by the Emergency Judge.

3. **Emergency Medical Treatment.** As indicated above, such petitions should be filed with the Orphans' Court or, if appropriate, with the Civil Motions Program during normal court hours. In the event an emergency arises during non-court hours, medical authorization may be given provided the Emergency Judge holds an on-the-record hearing prior to ordering same.

### **Family Court Matters**

The Emergency Judge may handle the following matters:

1. **Petitions Pursuant to the Child Protective Services Law.** See 23 Pa. C.S. §6301, et seq. The Philadelphia Department of Human Services, usually through the City Solicitor, will contact the Emergency Judge to request a restraining order. The Emergency Judge usually issues an oral order and directs that a hearing be scheduled in Dependency Court within seventy-two (72) hours of the issuance of the order. The following business day, the Department of Human Services delivers a written petition and order to the Emergency Judge who signs the order and returns the petition and order to the Department of Human Services for filing with the Family Court.
2. **Protection from Abuse Orders.** See 23 Pa. C.S. §6101, et seq. Please note, that requests pursuant to the Protection from Abuse Act are processed after normal court hours at the Criminal Justice Center, Room B-03. The caller should be asked to call 215-683-7281 for further assistance.
3. **Miscellaneous and Sundry Domestic Relation Requests Such as Emergency Custody or Visitation Orders.** The caller should advise the Emergency Judge as to the status of the domestic relations matter and why such request was not made during court hours. Relevant case information should be provided to the Emergency Judge together with a written petition, if requested. Unless otherwise provided, the caller must file a petition the next business day with the Clerk of Family Court.
4. **Miscellaneous and Sundry Divorce Related Issues.** Pursuant to Pa.R.Civ.P. No. 1920.43. The caller should advise the Emergency Judge as to the status of the divorce proceedings and why such request was not made during court hours. Relevant case information should be provided to the Emergency Judge together with a written petition, if requested. Unless otherwise provided, the caller must file a petition the next business day with the Clerk of Family Court.

**Criminal Matters**

The Emergency Judge may receive requests to modify a defendant's bail. However, once the initial determination of bail is made at the preliminary arraignment by a Municipal Court Bail Commissioner, any appeals therefrom are heard by the Emergency Municipal Court Judge or a specially assigned Municipal Court Judge. Modification of bail between the preliminary arraignment and the Common Pleas Court trial should be ordered only by the judge regularly assigned to the Common Pleas Court Criminal Motions Program, and during non court hours may be ordered by the Emergency Judge. Modification of bail by the Emergency Judge is discouraged. The caller should be directed to present any such application to the Common Pleas Court Criminal Motions Program.

**Conclusion**

The Court of Common Pleas Emergency Judge is authorized to handle emergencies which may arise during non-court hours. However, since the court has adopted procedures to promptly address recurring "emergency" issues, the Emergency Judge will only grant emergency relief when absolutely necessary.

# **Court Reporting Services**



**First Judicial District of Pennsylvania  
Court Reporter and Interpreter Administration  
100 South Broad Street, 2<sup>nd</sup> Floor  
Philadelphia PA 19110-1004  
(215) 683-8000**

**Joseph A. Cairone  
Court Administrator**

**Janet C. Fasy  
Deputy Court Administrator**

### **COURT REPORTER SERVICES**

As a Court of Record, proceedings in the Court of Common Pleas and Municipal Court criminal division hearings must be transcribed. The Court's 115 Official Court Reporters are assigned to courtrooms to stenographically record testimony, arguments or other spoken presentations heard by all judges throughout the First Judicial District.

Investing in their personal computerized stenotype machines, the Official Court Reporters utilize Computer Aided Transcription (CAT), the standard of accuracy for a record on appeal, to create transcripts. The verbatim testimony of the court proceeding is recorded by the official reporter in court. Once translated, the "raw" transcript is edited on a computer system, using modified word processing software.

A number of Official Court Reporters have been additionally certified in producing "real time" transcription, which is the immediate transcription of the verbatim testimony being taken in the courtroom. The simultaneous transcription can be viewed during a trial on courtroom computer monitors or the judge's or court reporter's laptop computer.

All transcripts produced by the court reporters are electronically archived on the Court Reporter E-Archiving System. The CRS database stores all transcripts electronically. Access is through a password provided to judges, judicial staff, District Attorneys and Defenders. This has eliminated time-consuming copying, and "lost" transcripts, and the paper costs. Notes of Testimony can also be printed or emailed for Appellate Court transmission. Transcripts are sent via email to court-appointed attorneys as well.

The FJD Project Team developing the First Judicial District's E-Archiving Court Reporter System worked hard to succeed in creating a reliable archive that is easily accessed, safe, and responsive, in terms of transcript delivery AND management reporting and analysis. The Major Advantages to an electronically-stored archiving system for transcripts is reliability, easy access, less paper, better accountability and monitoring.

## **DIGITAL RECORDING MONITORS**

In 2004 the District hired Digital Recording Technicians to monitor the new computerized digital recording devices used in courtrooms to record the proceedings on a digital audio computer. Transcripts of hearings are transcribed when needed to provide a fully accurate record of the courtroom proceeding. At the present time the FJD employs 15 fully-trained Technicians to monitor the computerized digital recording systems.

Please complete a separate **Digital Recording Order Form** and fax the attached form to order a transcript produced by digital recording.

## **RECORD REPRODUCTION CENTER**

The Copy Center supports the court reporters by generating copies of the transcripts and distributing them to the appropriate judges, court appointed counsel, Appeals Units, Prothonotary and the Clerk of Quarter Sessions.

With the implementation of an archiving system of all completed transcripts generated and stored on a computer database, multiple copies of transcripts are no longer printed, but accessed through the CRS system by DAs, PDs and judicial staff, reducing the cost of paper storage and copy production. The Copy Center prints forms, letterhead, booklets, and various documents for the entire First Judicial District.

## **Who Creates the Record?**

The Official Court Reporter is accountable for maintaining the accuracy and integrity of the record. But it is the attorneys, the judges, the court officers and the reporters working as a team that develop, organize and create the record at the time of the hearing.

While it is the duty and responsibility of the official reporter to produce an accurate transcript of the proceeding, it is the obligation and charge of the attorneys in the courtroom to make a complete factual representation of the issues in the courtroom for appellate review.

## **To Order a Transcript of a Proceeding:**

Mail or fax a completed Transcript Order Form requesting the notes of testimony to the Official Court Reporter, 215-683-8005. Include on the form the exact date

of the hearing, the name of the presiding judge, the name of the case and/or defendant's name, and your phone number. We cannot assist you without the above information.

The Official Court Reporter will respond by phone or fax, giving you the information on any deposit that may be required, and will also give you estimated date of completion. The reporter or a Copy Center employee will call when the transcript has been submitted for archiving and/or printing. You may pick up the transcript at our Copy Center when ready.

If you are a defendant requesting a Transcript, do not use the link to the Transcript Order Form until you read and follow the instructions below. We will be happy to assist you, providing you follow the procedures attached.

Please be advised, however, that if you already have an attorney, if you are presently represented by private counsel, or have a public defender as your attorney now, you must contact them **BEFORE** ordering a transcript through our office. Otherwise, you will have to pay for the transcript.

**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
COURT REPORTER / INTERPRETER ADMINISTRATION**

**100 S. Broad Street, 2nd Floor**

**Philadelphia, PA 19110**

**Phone No: 683-8000**

**Fax No: 683-8005**

**Administrative Office:**

**Janet C. Fasy, Deputy Court Administrator**

**Telephone: 683-8007 / Fax:683-8006**

**Administrative Staff**

**683-8000/8004**

**Victor E. Pospischil 683-8072**

**Roseann R. DiPrimio**

**Melissa Copestake**

**Dolores P. Policarpo**

**Kristin L. Crecelius**

**Winifred Gilmore**

**Crystal Schwartz**

**Records Reproduction Center:**

**683-8085/86**

**Paul J. Belfield**

**Stanley Wilson, Jr.**

**Frank J. Greco**

**Gary W. Irvine**

**OFFICIAL COURT REPORTERS LOCATED AT 100 S. BROAD STREET**

**683-**

<b>8100 Alber, Molly</b>	<b>8011 Edwards, Deborah (Toni)</b>
<b>8081 Alexander, Tanya</b>	<b>8065 Falcone, William</b>
<b>8013 Amatucci, Lisa</b>	<b>8015 Fazio, Renee</b>
<b>8069 Ammann, Michael</b>	<b>8079 Ferraro, Kristin</b>
<b>8022 Amodei, Lloyd</b>	<b>8030 Finn, Gail</b>
<b>8025 Angelos, Olga</b>	<b>8056 Flamer, Debra Ballard</b>
<b>8074 Belmont, Melissa</b>	<b>8010 Flanagan, Kevin</b>
<b>8080 Biddle, Melissa</b>	<b>8068 Flemming, Clarissa</b>
<b>8046 Bishop, Sherri</b>	<b>8035 Foy, Antoinette</b>
<b>8053 Black, Bernadette</b>	<b>8070 Geftman, William</b>
<b>8067 Bobbie, Robin</b>	<b>8029 German, Sharon</b>
<b>8042 Bonner, Judy</b>	<b>8032 Gilbreath, Ann</b>
<b>8090 Bucciarelli, Angelique</b>	<b>8063 Giordano, Anthony</b>
<b>8044 Campbell, Thomas</b>	<b>8094 Goffredo, Stephanie</b>
<b>8067 Canterino, Margie</b>	<b>8010 Gorgol, Charles (Chuck)</b>
<b>8018 Capizzi, Lisa DiCarlo</b>	<b>8061 Gsell, J. Barry</b>
<b>8063 Cerulli, Robert</b>	<b>8020 Guidice, Thomas</b>
<b>8059 Christian, Helene</b>	<b>8055 Haggerty, Margaret</b>
<b>8055 Ciarrocchi, Janice</b>	<b>8056 Hall, Judie</b>
<b>8009 Clark, Meg</b>	<b>8017 Hamill, Anne Marie</b>
<b>8033 Curry, Mary</b>	<b>8095 Harris, Barry</b>
<b>8062 Davis, Julie</b>	<b>8043 Hemingway, Patricia A.(Trish)</b>
<b>8069 Dickerman, Stephen</b>	<b>8071 Holmberg, Charles</b>
<b>8034 DiGirolamo, Vincent O.</b>	<b>8012 Holsey, Monique</b>
<b>8104 Donaldson, Heidi</b>	<b>8062 Horsley, Kim</b>
<b>8068 Donovan, Edna</b>	<b>8102 Houston, Michelle</b>
<b>8105 Doyle, Janine</b>	<b>8110 Jackson, Stacey</b>
<b>8066 Dumoff, Catherine</b>	<b>8020 Jackson-Hart, Hattie</b>

8041 Jericho, Sharon  
8014 Johnson, Dorothy  
8012 Kanyuk, Margaret  
8023 Kaplan, Glenn  
8039 Kendall, Kim  
8027 Kenney, Thomas  
8019 Kryjer, Colleen  
8031 Kurz, John  
8075 Lauer, Tara  
8013 Lonergan, Catherine  
8054 Lorick, Barbara  
8064 Mariani, Leon  
8055 Marshall, Paula  
8064 Masciantonio, Joseph  
8061 Masciantonio, Lisa Amato  
8050 Masciantonio, Nicole  
8089 Mascuilli, Louise  
8049 Masi, Tina  
8009 McAndress, Maryanne  
8036 McGinn, Shannan  
8061 McShane, Nancy  
8040 Moyer, James  
8034 Mullen, Ann  
8035 Muller, Catrina  
8016 Murray, Shemiah  
8106 Murray, Shemiah  
8071 Palamarchuk, Michelle  
8073 Parker, Catherine  
8024 Paster, Gary  
8021 Phy, Carol

8093 Wesley, Tiffany  
8037 West, Sharon  
8107 White, Zana  
8099 Wiese, Jamie  
8091 Wilson, Julie  
8021 Wilson, Kim  
8028 Zweizig, Douglas

Revised: 06/30/05

8051 Picciotto, Edward  
8059 Polidoro, Marie  
8109 Postiglione, Lisa  
8098 Raquet, Diane  
8108 Retkovis, Bonnie  
8101 Robins, Kathy  
8014 Romano, Judith Ann  
8052 Ross, Charity  
8065 Schaefer, William  
8048 Seigafuse, Nancy  
8062 Settles, Linda  
8009 Shaw, Eileen  
8045 Smith, Bonnie  
8060 Sokolski, Carl  
8078 Thomas, Lydia  
8011 Touni, Cynthia  
8060 Underland, Amy  
8077 Venneri, Jennifer  
8076 Warren, Nicole

---

Section 14

---

**First Judicial  
District of  
Pennsylvania  
Website**

## **FIRST JUDICIAL DISTRICT OF PENNSYLVANIA WEBSITE**

The First Judicial District of Pennsylvania's nationally recognized website (<http://courts.phila.gov>) continues to expand services available over the Internet.

- *Public access to Civil Docket Information via the Internet* - Civil Docket information, notices, attorney activity reports, hearing and trial lists, more downloadable forms, and Commerce Program opinions can be accessed through the Court's website. The civil docket access display has burgeoned to include almost 17.5 million docket entries for more than 1.7 million civil cases.
- *Wireless Applications* - The Trial Division—Civil court dockets, attorney activity reports, hearing lists, civil rules, fee schedules, court holidays, hours of operation and maps can all be accessed and downloaded through a wireless hand-held computer.

