

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

**NOTICE TO THE BAR**

At the September 21, 2006 Board of Judges' meeting, the Board of Judges of the Court of Common Pleas adopted Philadelphia Civil Rule \*1035.2(a), Motion for Summary Judgment, which is published in its entirety below. The Rule was promulgated by Order dated October 26, 2006 and, as required by Pa.R.C.P. No. 239.8, has been posted on the Pennsylvania Judiciary's Web Application Portal (<http://ujportal.pacourts.us>).

Although Philadelphia Civil Rule \*1035.2(a) became effective on November 6, 2006, the Court extends its effective date to December 4, 2006. All Motions for Summary Judgment filed on or after Monday, December 4, 2006 must comply with the provisions of Philadelphia Civil Rule No. \*1035.2(a), as set forth below.

Philadelphia Civil Rule \*1035.2(a) is also available on the website of the First Judicial District, <http://courts.phila.gov> as President Judge General Court Regulation No. 2006-05.

Date: November 6, 2006

**Honorable C. Darnell Jones, II  
President Judge  
Court of Common Pleas of  
Philadelphia County**

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

**President Judge General Court Regulation No. 2006-05**

**In Re: Adoption of Philadelphia Civil Rule \*1035.2(a)**

**ORDER**

AND NOW, this 26<sup>th</sup> day of October, 2006, the Board of Judges of Philadelphia County having voted at the Board of Judges' meeting held on September 21, 2006 to rescind the current Philadelphia Civil Rule \*1035.2(a) and to adopt the rule as attached, IT IS HEREBY ORDERED that existing Philadelphia Civil Rule \*1035(a) is rescinded, and the attached Philadelphia Civil Rule \*1035.2(a) is adopted.

This General Court Regulation is issued in accordance with Pa.R.C.P. No. 239.8 and shall become effective upon publication on the Pennsylvania Judiciary's Web Application Portal (<http://ujportal.pacourts.us>). The original General Court Regulation shall also be filed with the Prothonotary in a Docket maintained for General Court Regulations issued by the President Judge of the Court of Common Pleas of Philadelphia County, and copies shall be submitted to the Administrative Office of Pennsylvania Courts, for publication on its website, and the Civil Procedural Rules Committee. Copies of the Order shall also be submitted to American Lawyer Media, *The Legal Intelligencer*, Jenkins Memorial Law Library, and the Law Library for the First Judicial District of Pennsylvania, and posted on the website of the First Judicial District of Pennsylvania: <http://courts.phila.gov>.

BY THE COURT:

/s/ C. Darnell Jones, II

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**Honorable C. Darnell Jones, II**  
President Judge,  
Court of Common Pleas of  
Philadelphia County

**PHILADELPHIA COUNTY**

**COURT OF COMMON PLEAS  
CIVIL DIVISION RULES**

***THE FOLLOWING RULE IS A COMPLETE RE-WRITE OF EXISTING  
PHILADELPHIA CIVIL RULE \*1035.2(a):***

**RULE \*1035.2(a). MOTION FOR SUMMARY JUDGMENT**

**(1) General Rule.** After the relevant pleadings are closed, but within such time as not to unreasonably delay trial, and in accord with any case specific case management Order, any party may file a motion for summary judgment, as provided in Pa.R.C.P. No. 1035.1 *et seq.*, and this local rule.

**(2) Content of the Motion for Summary Judgment.** The moving party shall provide the bases for the entry of summary judgment in a motion divided into consecutively numbered paragraphs. Each paragraph shall contain as far as practicable only one material allegation. The moving party must reference in each allegation the “record” (as that term is defined in Pa.R.C.P. No. 1035.1) which the moving party wants the court to consider, and shall attach a copy of that record as an exhibit. The moving party shall include with the motion a brief or memorandum of law, as provided in Phila.Civ.R. \*210. The brief or memorandum of law shall provide the court with the legal bases for summary judgment in light of the allegations made in the motion, and shall not reference any fact or pleading not raised in the motion. Any fact or allegation mentioned in the brief or memorandum of law which is not listed in the summary judgment motion will not be considered by the court.

**(3) Service of Summary Judgment Motion.** The summary judgment motion, exhibits and brief or memorandum of law must be served on the party or parties against whom summary judgment is requested, as provided in Pa.R.C.P. No. 440.

**(4) Response to Motion for Summary Judgment.** The adverse party or parties must file a response to the motion for summary judgment within thirty (30) days of service of the motion, as provided in Pa.R.C.P. No. 1035.3. The response to the motion shall be divided into paragraphs, numbered consecutively, corresponding to the numbered paragraphs of the motion for summary judgment. The response shall state whether each of the allegation is admitted or denied. No general denial is acceptable. The factual reasons for the denial or dispute must be specifically stated and the “record,” (as that term is defined in Pa.R.C.P. No. 1035.1) supporting the denial or dispute must be attached as an exhibit. A response may also include additional allegations demonstrating any genuine issue of material fact, in which event the responding party must reference and attach a copy of the “record,” (as that term is defined in Pa.R.C.P. No. 1035.1) which demonstrates the existence of a genuine issue of material fact.

**Adopted by the Board of Judges of the Court of Common Pleas on September 21, 2006.**