

**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:

SCHEDULE FOR DISCOVERY HEARINGS				
DAY	TIME	JUDGE	PROGRAM	COURTROOM
Monday	9:00 a.m.	Sheppard, J.	Commerce	513 CH
Tuesday	9:30 a.m.	Abramson, J.	Commerce	443 CH
Tuesday	9:30 a.m.	Jones, J.	Commerce	676 CH
Monday	9:30 a.m.	Bernstein, J.	Class Action	246 CH
Monday	9:00 a.m.	Tereshko, J.	Day Forward 2002	285 CH
Monday	9:00 a.m.	Allen, J.	Day Forward 2005	285 CH
Tuesday	9:00 a.m. & 11:00 a.m.	New, J.	Day Forward 2004	285 CH
Wednesday	9:00 a.m.	Moss, J.	Day Forward 2001 & 2003	285 CH
Thursday	9:00 a.m.	Ackerman, J.	Arbitration Appeal	285 CH
Friday	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>Date:</p> <p>RE: <u>(Caption and Case I.D.)</u></p> <p>To the Assigned Discovery Judge:</p> <p>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.</p> <p>Sincerely,</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 16th 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. 11th 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.