

***FIRST JUDICIAL DISTRICT
COURT OF COMMON PLEAS
TRIAL DIVISION – CIVIL***

NOTICE TO THE BAR

REMINDER re: Motions for Extraordinary Relief

A party must file a Motion for Extraordinary Relief to obtain an extension of a deadline imposed by a case management order. See Philadelphia Court of Common Pleas, Administrative Docket no. 1 of 1995. This notice is to remind counsel of the requirements for such motions.

Motions for Extraordinary Relief

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 a 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 civil motions clerk located in the Prothonotary’s Office, Room 278 City Hall. There is a thirty (\$30.00) dollar 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 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 and envelopes for all counsel and unrepresented parties. Copies of the form may be obtained from the civil motions clerk in Room 378 City Hall, the Office of Civil Administration, Room 296 City Hall, and may also be downloaded from the Court’s website at <http://courts.phila.gov>.

At the end of the response period, the Motion for Extraordinary Relief is assigned to the individual team leader for disposition. Failure to comply with the above filing requirements may result in denial of the motions. 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. Further, neither a sudden change of 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 is cautioned against assuming that any one or more of the following scenarios 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 should 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, which directly and significantly affects 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. Late joinder of a party where the delay in joining the additional party is satisfactorily explained.

See Trial Division – Civil Administration at a Glance (2003-2004 edition). See also <http://courts.phila.gov/publications.html#brochures> for Trial Division – Civil Administration at a Glance 2002, PDF page. 149-52

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ADMINISTRATIVE JUDGE
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