

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

May 20, 2004

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

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
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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"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<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

Other:

- 3R Rent, Lease, Ejectment
- Q1 Quiet Title
- 3F Mortgage Foreclosure
- 1L Mechanics Lien
- P1 Partition
- Prevent Waste
- 1V Replevin
- 1H Civil Tax Case - Complaint

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: (RESPONDING PARTIES MUST INCLUDE THIS NUMBER ON ALL FILINGS)
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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 http://courts.phila.gov</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	MTJJDG	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.

**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**

Card No. and Exp. Date or Check No. _____

Date: _____
From: _____
(Moving Counsel)

(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** NOTE: The above date is the actual argument date. There will be no continuances.

Commerce Location: - City Hall: Courtroom 285 Courtroom 246 Courtroom 443 Courtroom 513 Courtroom 676
Major Jury Arbitration Courtroom 513 Courtroom 676
Arbitration Major Non-Jury 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: _____
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.