

## **REVISED ASBESTOS SUMMARY JUDGMENT MOTION PROCEDURES**

Following is the Asbestos Summary Judgment Motion Procedure as revised on November 22, 2010. All prior asbestos summary judgment motion procedures are to be considered obsolete.

1. All summary judgment motions shall be electronically filed pursuant to Pa.R.C.P. 205.4 and Philadelphia Rule of Civil Procedure \*205.4., eighty (80) days prior to jury selection.
2. All motions should be in letter-brief rather than motion package format. The first page of the motion shall include the caption, type of litigation (ie. Asbestos), name of opposing counsel, and the filing and response dates, prominently displayed. The second page of the motion shall be the proposed order. The third page of the motion shall include the title line ("Dear Judge ....) and begin the facts, issues and pertinent case law, briefly outlined. Each motion must also include a signed Attorney Certification of Good Faith and Certificate of Service.
3. The Certification of Good Faith shall attest that certifying counsel has spoken with opposing counsel regarding the summary judgment motion in an attempt to resolve the specific issue in dispute, and that despite counsel's good faith efforts, has been unable to do so.
4. For all motions, the moving party must serve opposing counsel and all interested parties with a copy of the motion on the day filed with the Court, by electronic mail, facsimile or hand delivery.\* The moving party shall notify opposing counsel and all interested parties of the Motion Control Number upon notification by the Court.
5. Upon receipt, opposing counsel shall have seventeen (17) days in which to file a response to the motion. The response must be electronically filed no later than midnight (12:00 a.m.) of the due date and counsel must provide a courtesy copy of the response (and any exhibits) to the Coordinating Judge of the Complex Litigation Center, 622 City Hall. **THE RESPONSE MUST CLEARLY DISPLAY THE CONTROL NUMBER OF THE CORRESPONDING MOTION ON THE FIRST PAGE OF THE RESPONSE.** There is no fee for filing a response. The responding party must serve the moving party and all other interested parties with a copy of the response the same day by electronic mail, facsimile or hand delivery.\*
6. A reply by the moving party, if any, shall be electronically filed by midnight (12:00 a.m.) on the fifth day after receipt of the opposition. **THE REPLY MUST CLEARLY DISPLAY THE CONTROL NUMBER OF THE CORRESPONDING MOTION ON THE FIRST PAGE.** The moving party must serve opposing counsel and all interested parties with a copy of the reply the same day by electronic mail, facsimile or hand delivery.\*
7. For all **OPPOSED** motions, moving counsel must provide a courtesy copy of the motion (and any exhibits) and reply (if filed) to the Coordinating Judge of the Complex Litigation Center, 622 City Hall.
8. No later than forty-eight (48) hours prior to the motion reply deadline, counsel for plaintiff must provide to the Coordinating Judge of the Complex Litigation Center, 622 City Hall, a list

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\* Counsel are reminded of the more exacting nature of the motions practice in the Complex Litigation Center because of the shorter response times and the need to insure the completion of the same day service requirement. Counsel are cautioned that under Pa R.C.P. 205(g)(2)(ii), service by electronic transmission is not complete until "an e-mail message is sent to the recipient by the electronic filing system that the legal paper has been filed and is available for review on the system's website." Accordingly, the obligation of same day service contained in these Procedures will not be satisfied by reliance on Pa.R.C.P. 205.4(g)(2) if a motion, response or reply filed by electronic mail is not accepted by the Court on the date that it is transmitted to the Court.

outlining the status of each pending motion for summary judgment. Said list shall include the trial group month and number, name of plaintiff(s), case court term and number, name of filing defendant, motion control number, type of motion (i.e., product identification, statute of limitations) and motion status (i.e., opposed, unopposed, withdrawn). The information may be presented in spreadsheet, chart or letter format.

9. If any motion or response is withdrawn, filing counsel must electronically file under the appropriate control number, a Praecipe to Withdraw. The Praecipe must clearly display the control number of the motion. All interested parties must be served with a copy the same day by electronic mail, facsimile or hand delivery.
10. The Court will rule on all pending summary judgment motions in a timely manner prior to jury selection.
11. The Court will docket the original signed order and all parties of record will be notified via email by the Court's electronic filing system.
12. Oral argument on Motions will be scheduled by the Court as needed.

**Hon. D. Webster Keogh**  
**Administrative Judge**

**Hon. William J. Manfredi**  
**Supervising Judge**

**Hon. Sandra Mazer Moss**  
**Coordinating Judge**