

FREQUENTLY ASKED QUESTIONS ON DAUPHIN COUNTY LOCAL RULES

(REVISED JUNE 2009)

PREPARED BY DAUPHIN COUNTY COURT ADMINISTRATORS' OFFICE

COUNSEL ARE ADVISED TO READ THESE LOCAL RULES IN CONJUNCTION WITH THE APPLICABLE PENNSYLVANIA RULES OF CIVIL PROCEDURE.

RULE 205.1. REMOVING PAPERS FROM PROTHONOTARY'S OFFICE

No original papers, including transcripts, shall be removed from the Prothonotary's Office except by the following officers appointed by the court:

- (1) Custody Conference Officers
- (2) Divorce Masters
- (3) Chair of Board of Arbitration
- (4) Chair of Board of View
- (5) Special Masters
- (6) Court staff and other person(s) specifically authorized by order of court.

DISCUSSION:

HOW CAN AN ATTORNEY REVIEW A FILE IF THE FILE CAN NO LONGER BE REMOVED FROM THE PROTHONOTARY'S OFFICE?

An attorney can come into the Prothonotary's Office and request to look at a file. If the attorney needs copies of documents, the Prothonotary's Office will be happy to make copies of the documents for a fee. In addition, any case commenced after July 1, 2003 has been imaged by the Prothonotary's Office. If there is a document that you need for a case commenced after July 1, 2003, the Prothonotary's Office will email you this document. There is presently no charge for this service.

RULE 205.2(a) PHYSICAL CHARACTERISTICS OF PLEADINGS AND OTHER LEGAL PAPERS

- (1) All documents filed in the Office of Prothonotary shall be on 8½ inch by 11 inch paper and shall comply with the following requirements:
 - (a) The document shall be prepared on white paper of good quality and the use of recycled paper is encouraged.

- (b) The first sheet shall contain a 3-inch space from the top of the paper for all court stampings, filing notices, etc.
- (c) The text must be double spaced, but quotations more than two lines long may be indented and single spaced. Except as provided in subsection b, margins must be at least one inch on all four sides.
- (d) The lettering shall be clear, legible and no smaller than Arial 12 point.
- (e) The lettering shall be on only one side of a page.
- (f) All exhibit tabs shall appear at the bottom of the pleading.
- (g) No backers shall be used on the original or any copies of pleadings or other legal papers filed with the Prothonotary. The original of pleadings or other legal papers should be stapled in the top left corner. If the document is over one-half inch thick, it should be secured with a binder clip. Backers may be used for copies provided to the court, opposing parties or clients.
- (h) Exhibits or attachments smaller than 8½ inches by 11 inches shall be attached to a regular size paper by using adhesive tape.
- (i) Pages shall be consecutively numbered beginning with page 2 and said number shall appear on the bottom center of the pleading.
- (j) The name of the attorney or party, the address at which service can be made, a telephone number and email address of the attorney or party shall appear on the top left hand corner of the first page of all papers filed in the Office of the Prothonotary.
- (k) With the initiating filing and all subsequent filings, in cases where medical malpractice is or will be alleged, the notation "Civil Action – Medical Professional Liability Action" shall appear on all captions directly underneath the docket number.
- (l) Any courtesy copies of filings that are provided to a judge and served on opposing parties must be firmly bound and any metal fasteners or staples must be securely covered with no sharp or protruding edges of any kind.
- (m) Filings of record may be referenced in any subsequent filing but shall not be attached thereto.

- (2) The Prothonotary shall endorse upon each paper filed, the date and time of its filing, and enter it upon the proper docket.
- (3)
 - (a) All civil motions, petitions, administrative applications and answers or responses thereto shall be accompanied by a proposed order (or alternative orders).
 - (b) The proposed order(s) shall contain a distribution legend which shall include the name(s) and mailing address(es), telephone number(s), facsimile number(s) and e-mail address(es), if any, of all attorneys and/or pro se parties to be served.
- (4) The judge(s) chambers shall:
 - (a) file the original order with the Prothonotary;
 - (b) prepare copies of the order for mailing;
 - (c) have the Prothonotary's Office certify the copies for mailing;
 - (d) mail copies of the certified order to all parties listed in the distribution legend;
 - (e) note the date of mailing and the initials of the person who accomplished the mailing on the filed original order.

COMMENT

Paragraph (3) of this rule is intended to formalize a practice of long standing in Dauphin County as well as the majority of other counties. The proposed order should identify the relief sought, e.g. continuance, rule to show cause, request status or discovery conference, amend a complaint, etc.

An accurate distribution legend naming all attorneys and/or pro se parties and their addresses, telephone numbers, facsimile numbers and e-mail addresses, if any, is essential since the court is now assuming the responsibility for service of its orders. Inclusion of facsimile numbers and e-mail addresses is not intended to authorize service by these methods.

Paragraph (4) of this rule is intended to formalize what is now a hybrid process which has left some doubt as to the responsibility for service of orders.

DISCUSSION:

SHOULD THE ATTORNEY INFORMATION START AFTER THE THREE INCH MARGIN OR SHOULD THE ATTORNEY INFORMATION BE CONTAINED WITHIN THE THREE INCH MARGIN?

The attorney information should begin after the 3-inch margin.

WILL THE PROTHONOTARY REFUSE TO ACCEPT A DOCUMENT THAT IS NOT IN COMPLIANCE WITH RULE 205.2(a)?

Pa.R.C.P. 205.2 states that no pleading or other legal paper that complies with the Pennsylvania Rules of Civil Procedure shall be refused for filing by the Prothonotary based on a requirement of a local rule including Local Rule 205.2(a).

WHAT TYPE OF EXHIBITS OR ATTACHMENTS ARE SUBJECT TO THE REQUIREMENT THAT THEY BE SECURED WITH TAPE TO A SHEET OF PAPER?

An example would be postal receipt cards. The card should be taped to a blank piece of paper. This requirement is to facilitate the Prothonotary's imaging project.

WHY DO MEDICAL MALPRACTICE CASES HAVE TO BE DESIGNATED AS SUCH IN THE CAPTION AND DOES THIS REQUIREMENT APPLY TO ALL SUBSEQUENT FILINGS IN MEDICAL MALPRACTICE CASES?

The Pennsylvania Supreme Court requires the Court Administrator's Office to submit on an annual basis statistics on the number of medical malpractice cases filed. This designation will enable the Prothonotary to enter the case on the Full Court Docketing System as a Medical Malpractice case so that the cases can be easily tracked.

SHOULD PRIOR PLEADINGS BE ATTACHED TO A SUBSEQUENT PLEADING WHEN THE SUBSEQUENT PLEADING REFERS TO THE PRIOR PLEADING?

The prior pleading should not be attached as an exhibit. The assigned judge is provided with the complete Prothonotary's file and has ready access to the referenced pleading.

SHOULD PROPOSED ORDERS BE ATTACHED TO MOTIONS, PETITIONS, ADMINISTRATIVE APPLICATIONS AND ANSWERS AND DOES THIS APPLY TO PROPOSED RULES TO SHOW CAUSE?

Proposed alternative orders and rules to show cause should be attached to the front of all motions, petitions, administrative applications and responses.

WHAT IS A DISTRIBUTION LEGEND?

A "distribution legend" should be included at the bottom of all proposed orders and rules to show cause. After the blank signature line, should be written the word "Distribution." Following the word "Distribution", should be written the name(s), mailing address(es), telephone number(s), facsimile number(s) and email address(es), if any, of all attorneys and/or pro se parties to be served with a copy of the order or rule to show cause. Remember to include the name and address information for the filing attorney or pro se party. The court now serves all orders and rules to show cause and will only serve those names listed in the distribution legend.

***EXAMPLE OF DISTRIBUTION LEGEND:**

PLAINTFF,		:	IN THE COURT OF COMMON PLEAS
	Plaintiff	:	DAUPHIN COUNTY, PENNSYLVANIA
		:	
		:	
	vs.	:	NO. 2007 CV 99999
		:	
		:	
DEFENDANT,		:	
	Defendant	:	CIVIL ACTION - LAW

ORDER

AND NOW THIS _____ day of _____, _____, the motion
_____ is hereby GRANTED.

BY THE COURT:

Judge

***DISTRIBUTION:**

Plaintiff attorney, address, telephone number, email address

Defendant attorney, address, telephone number, email address

RULE 205.2(b) COVER SHEETS (Under further review and consideration).

PETITIONS

RULE 206.1(a) PETITIONS

- (1) The only applications designated to proceed as petitions are:
 - (a) Petitions to Open Judgment;
 - (b) Non Pros Petitions; and
 - (c) Any other applications so designated by statute or rule of court.

All other applications shall proceed as motions. If an application is designated by statute or rule of court to proceed as a petition, the statutory basis or specific rule must be specifically set forth in the petition.

- (2) All issues relating to the administration, filing and processing of judicial assignments relating to petitions shall be under the direction and supervision of the Civil Calendar Judge.

DISCUSSION:

WHAT IS MEANT BY RULE 206.1(a)(1)(c) WHICH STATES “ANY OTHER APPLICATIONS SO DESIGNATED BY STATUTE OR RULE OF COURT”?

In some instances, statutes or rules of court specifically state that a proceeding must be commenced with a “Petition.” In those instances, the filing should be designated as a “Petition” and citation to the applicable statute or rule of court should be set forth in the body of the Petition.

HOW DO I KNOW WHETHER A FILING SHOULD BE CALLED A PETITION OR A MOTION OR AN ADMINISTRATIVE APPLICATION?

If you are filing a petition to open judgment, a non pros petition, or if you can find a statute or a rule of court (either state or Dauphin County Local Rule) which states that what you want to accomplish should be done by “petition”, you call what you are filing a “Petition”. If you are not filing a petition to open judgment, a non pros petition or if a statute or rule of court does not use the word “petition”, you name your filing a motion unless you are filing an administrative application for a status conference or to have a matter designated as complex litigation.

**RULE 206.4(c) – APPLICATIONS DESIGNATED TO PROCEED AS PETITIONS –
RULES TO SHOW CAUSE**

**RULE 206.4(c) APPLICATIONS DESIGNATED TO PROCEED AS PETITIONS –
RULES TO SHOW CAUSE**

- (1) Except for Petitions in Forfeiture under 42 Pa. C.S.A. §6801 and §6802, an original and one copy of a Petition to Open Judgment or a Non Pros Petition or other application designated by statute or rule of court to proceed as a petition shall be filed with the Prothonotary and a copy shall be served on all other parties.
 - (a) The Prothonotary shall forward the original petition to the Court Administrator's Office and shall retain the copy in the file. The petition shall be assigned to a judge for disposition by the Court Administrator's Office.
 - (b) The assigned judge may issue a rule to show cause pursuant to Pa.R.C.P. 206.5 (Discretionary Issuance). The judge may also issue a scheduling order, which may include any discovery deadlines, briefing schedule, argument or hearing dates and a stay of proceedings as the judge deems necessary upon review of the petition.
 - (c) Parties shall provide a copy of all subsequent pleadings, filings, briefs and memoranda related to the petition to the Court Administrator's Office for distribution to the assigned judge. No cover letter is necessary.
- (2) Petitions in Forfeiture filed pursuant to 42 Pa. C.S.A. §6801 and §6802 shall be filed with the Prothonotary.
 - (a) Petitions in Forfeiture shall contain a notice as set forth in 42 Pa.C.S.A. §6802(b). No rule to show cause should be attached. The Caption shall include a cross-reference by defendant name and docket number to any criminal action. The case shall thereafter proceed in accordance with the procedures set forth in 42 Pa.C.S.A. §6802.
 - (b) If a response is not filed within thirty (30) days, the moving party shall file a Motion for Default Judgment with the Prothonotary. The Motion for Default Judgment will be assigned by the Court Administrator's Office to the Motions Judge for review.
 - (c) If a response is filed within thirty (30) days, either party may thereafter file a Certificate of Readiness listing the case for arbitration pursuant to Dauphin County Local Rule 1301 et seq. Arbitration shall be applicable to all actions in forfeiture.

COMMENT: Rule 206.4(1)(4) provides that copies of subsequent pleadings, filings, briefs and memoranda are to be provided to the Court Administrator's Office for distribution to the assigned judge instead of directly to the assigned judge. This is to avoid any type of ex parte communication.

COMMENT 2008: Amendments were made to distinguish Petitions in Forfeiture filed pursuant to 42 Pa.C.S. §6801 and §6802 from other civil petitions.

DISCUSSION:

WHAT HAPPENS TO A PETITION ONCE IT IS FILED IN THE PROTHONOTARY'S OFFICE?

The original Petition is forwarded to the Deputy Court Administrator's Office. If the Petition is a Petition to Open Judgment, a Non Pros Petition or a Petition required to be designated by statute or rule of court and the citation to the applicable statute or rule of court is noted in the Petition and such designation is correct, the Petition will be assigned to a judge for disposition. The review of those applications designated as petitions pursuant to a rule of court or statute will be conducted by the Deputy Court Administrator's Office in conjunction with the Civil Calendar Judge. If there is a problem with this designation, most likely the court will issue a "non-entertaining" order and the filing party will be required to file an amended motion/petition correcting the error(s). When the petition is assigned, the assigned judge, after review of the petition, will issue an appropriate order, which may be a rule to show cause or a scheduling order. The scheduling order may include discovery deadlines, a briefing schedule, and an argument or hearing date.

HOW IS A STAY OF PROCEEDINGS OBTAINED?

If a stay of proceedings is requested in the petition and is merited, the Assigned Judge may include a stay of proceedings in the order or rule to show cause.

THE RULE STATES THAT THE FILINGS ARE FORWARDED TO THE COURT ADMINISTRATOR'S OFFICE BUT AREN'T FILINGS SUBMITTED TO THE DEPUTY COURT ADMINISTRATOR'S OFFICE FOR REVIEW AND ASSIGNMENT?

The local rules reference the Court Administrator's Office in the generic sense. All filings are forwarded to the Deputy Court Administrator's Office, which is located on the third floor.

SHOULD A CERTIFICATE OF READINESS BE SUBMITTED WITH A PETITION?

A Certificate of Readiness should not be submitted with a petition.

SHOULD A COPY OF ALL SUBSEQUENT FILINGS BE PROVIDED TO THE ASSIGNED JUDGE?

Nothing should be taken directly to the assigned judge. If a filing relates to the assignment, a copy of the subsequent pleading, filing or brief should be provided to the Deputy Court Administrator's Office on the third floor of the courthouse. The Deputy Court Administrator's Office will take care of distributing the subsequent related filing to the assigned judge.

SHOULD A COVER LETTER ADDRESSED TO THE ASSIGNED JUDGE BE ATTACHED TO THE SUBSEQUENT RELATED FILING?

No. Many times cover letters contain information which could be considered to be ex parte communication.

MOTIONS

RULE 208.2(c) MOTIONS – STATEMENT OF APPLICABLE AUTHORITY

All motions shall include a brief statement of the applicable authority which supports the claim for the requested relief.

RULE 208.2(d) UNCONTESTED MOTIONS – CERTIFICATION

All motions shall contain a certification indicating that the moving party has disclosed the full text of the motion and the proposed order to all parties by facsimile or electronic communication, and that concurrence to both the motion and proposed order has been given or denied by each party. If facsimile or electronic communication is not possible, a copy of the motion and proposed order shall be sent by mail. If the other party fails to respond to the inquiry regarding concurrence within a reasonable time, this fact must be contained in the motion.

DISCUSSION:

SHOULD THE MOTION NOTE WHETHER THE OPPOSING PARTIES CONCUR WITH THE MOTION AND PROPOSED ORDER?

All motions **must** contain a certification that the moving party has disclosed the full text of the motion and the proposed order to all other parties and whether the opposing parties concur with the motion and proposed order. If a concurrence certification is not contained in the motion, most likely a “non-entertaining” order will be entered and the filing party will be required to file an amended motion.

WHERE SHOULD THE CONCURRENCE/NON-CONCURRENCE BE NOTED?

The concurrence/non-concurrence can be either contained in the body of the motion in as one of the paragraphs or it can be an attachment as a certification.

WHAT SHOULD BE DONE IF THE OPPOSING PARTY HAS RECEIVED A COPY OF THE PROPOSED MOTION AND PROPOSED ORDER(S) BUT HAS FAILED TO RESPOND TO THE CONCURRENCE/NON-CONCURRENCE INQUIRY?

If a reasonable period of time has elapsed following the inquiry and the opposing party has failed to respond to the inquiry, this fact should then be contained in your motion. Include the date the copy of the proposed motion and proposed order(s) were provided to the opposing party and the deadline for response. The motion procedure found in Rule 208.3(b) should be followed.

RULE 208.2(e) DISCOVERY MOTIONS – CERTIFICATION

A party who files a motion for a protective order or a motion to compel discovery that has been objected to by the opposing party, shall certify, in the motion, that counsel has conferred or attempted to confer with all interested parties in order to resolve the dispute. The moving party shall identify the parties who have not concurred in the motion. If the motion is concurred in by all parties, the moving party shall file a stipulation, which must include the signature of all parties, together with a proposed order for consideration by the court.

DISCUSSION:

WHAT SHOULD BE FILED IF ALL PARTIES CONCUR IN THE MOTION FOR PROTECTIVE ORDER OR A MOTION TO COMPEL DISCOVERY THAT HAS BEEN OBJECTED TO BY THE OPPOSING PARTIES?

If all parties concur in the Motion for Protective Order or in Motion to Compel Discovery, the parties shall file a stipulation, which must include the signatures of all parties together with a proposed order for consideration by the Court.

RULE 208.3(a) MOTION PROCEDURE

- (1) General Procedure.
 - (a) Motions are defined in Pa.R.C.P. 208.1. All motions not covered by subsection (a)(3) shall be deemed uncontested motions.

- (b) In addition to the requirements regarding the content of a motion found in Pa.R.C.P. 208.2, Dauphin County Local Rules 208.2 (c) and 208.2(d) regarding uncontested motions, all motions shall contain the following information:
 - (i) whether a hearing or argument is requested and the estimated length of time needed for the hearing or argument; and
 - (ii) whether discovery is necessary.
 - (c) An original and one copy of a motion shall be filed with the Prothonotary and a copy served on all other parties.
 - (d) The Prothonotary shall forward the original motion to the Court Administrator's Office and shall retain the copy in the file.
- (2) Uncontested Motions.
- (a) The Civil Calendar Judge shall determine whether the uncontested motion should be ruled upon by the Motion Judge or if it should be assigned to an individual judge for disposition, which decision shall be final. If the uncontested motion seeks to modify an order previously issued by the Court, the Court Administrator shall present it to the judge who signed the previous order, who may act upon the motion or forward it to the Civil Calendar Judge for assignment.
 - (b) If the Civil Calendar Judge determines that the uncontested motion should be assigned to an individual judge, the Court Administrator's Office shall assign the motion to a judge who has had prior significant involvement with the case or, if no judge has had prior significant involvement, to a judge on a rotating basis.
 - (c) The Court Administrator's Office shall forward the uncontested motion to either the Motion Judge or the Assigned Judge for disposition as aforesaid.
 - (d) The Assigned Judge or Motion Judge, as the case may be, shall review the motion and issue an appropriate order pursuant to Pa.R.C.P. 208.4.
 - (e) If the Assigned Judge determines that argument is advisable to be heard before a three-judge panel, the Assigned Judge and the Court Administrator's Office shall make the necessary scheduling arrangements for such panel argument.

(f) Additional rules regarding discovery motions are found in Local Rule 4019, especially those relating to a Motion for Sanctions.

(3) Contested Motions.

A party filing a contested motion or a motion deemed contested pursuant to Dauphin County Local Rule 208.3(b)(1) shall follow the procedure set forth in Dauphin County Local Rule 208.3(b).

(4) Emergency Motions:

(a) Motions that genuinely require an expedited disposition shall be designated as Emergency Motions by the filing party and clearly indicated as such in the title of the motion contained on the first page thereof.

(b) The attorney or pro se party shall promptly notify the Deputy Civil Court Administrator's Office by telephone as soon as it is determined that an Emergency Motion will be filed, and shall give the Deputy Civil Court Administrator's Office a realistic estimate of the date and time of the intended filing, a detailed description of the background of the motion, and the requested relief.

(c) An original and one copy of the Emergency Motion shall be filed with the Prothonotary.

(d) After filing, the original shall be hand-carried by counsel or the pro se party to the Deputy Court Administrator's Office, and the Prothonotary shall retain the copy in the file.

(e) The Court Administrator's Office shall assign the Emergency Motion to a judge to be resolved as soon as practical.

(5) Except for motions seeking to modify previous orders, see Local Rule 208.3(a)(2)(a), all issues relating to the administration, filing, and processing of judicial assignments relating to motions shall be under the direction and supervision of the Civil Calendar Judge.

COMMENT: Rule 208.3(a) is amended to provide instructions regarding contested and uncontested motions.

DISCUSSION:

WHAT IS A MOTION?

The term “Motion” is defined in Pa.R.C.P. 208.1 as any application to the court for an order made in any civil action or proceeding except as follows:

The general rules on motions do not apply to:

Preliminary Objections

Motions for Judgment on the Pleadings

Motions for Summary Judgment

Requests for Special Relief including Preliminary Injunctions

Motions relating to the conduct of a trial including Motions in Limine, motions made during the course of a trial, Motions for Nonsuit.

Motions for Post-Trial Relief

Motions for Delay Damages

Petitions

Petitions for Relief from Judgment by Confession

The rules on Motions do not apply to motions arising in the following actions or proceedings:

Asbestos Litigation and cases otherwise designated by the court for special case management

Class Actions

Family Law Actions

Proceedings in Orphans’ Court

WHAT IS REQUIRED TO BE INCLUDED IN A MOTION?

Attorneys and pro se parties are directed to Pa.R.C.P. 208.2 for the requirements regarding a motion’s content. In addition to the requirements found in Pa.R.C.P. 208.2, motions must contain information as to whether a hearing or argument is necessary, the estimated length of the hearing or argument and whether discovery is necessary. All motions must contain a brief statement of the applicable authority to support the relief requested.

THE RULE STATES THAT THE FILINGS ARE FORWARDED TO THE COURT ADMINISTRATOR'S OFFICE BUT AREN'T FILINGS SUBMITTED TO THE DEPUTY COURT ADMINISTRATOR'S OFFICE FOR REVIEW AND ASSIGNMENT?

The local rules reference the Court Administrator's Office in the generic sense. All filings are forwarded to the Deputy Court Administrator's Office, which is located on the third floor.

WHO IS THE MOTIONS JUDGE?

A judge is assigned by the President Judge to handle routine motions. This position rotates monthly.

HOW ARE EMERGENCY MOTIONS HANDLED?

If a matter is a genuine emergency requiring a judge to review the matter and perhaps issue an order to avert an emergency situation, it is incumbent upon counsel to notify the Deputy Court Administrator's Office as soon as it is known that an emergency motion is intended to be filed and be in periodic contact with the Deputy Court Administrator's Office so that arrangements can be made to accommodate the filing party and have a judge available to review the emergency motion once it is filed. The telephone number for the Deputy Court Administrator's Office is (717) 780-6630.

WHY IS IT IMPORTANT THAT THE DEPUTY COURT ADMINISTRATOR'S OFFICE BE NOTIFIED ABOUT THE EMERGENCY MOTION IN ADVANCE OF ITS FILING?

If the matter is indeed an emergency, the Deputy Court Administrator's Office must make arrangements with a judge to be available to review the emergency motion. This is sometimes difficult given the court's schedule and other commitments. The more lead time the Deputy Court Administrator's Office has, the better able it is to accommodate your needs. Also, if the filing is expected late in the day, arrangements must be made by the Deputy Court Administrator's Office with the Prothonotary's Office to have someone available to timestamp and docket any order that may be issued after the courthouse has closed.

WHAT WILL HAPPEN IF THE DEPUTY COURT ADMINISTRATOR'S OFFICE IS NOT NOTIFIED IN ADVANCE OF THE FILING OF THE EMERGENCY MOTION?

The Deputy Court Administrator's Office will attempt, to the best of its ability, to get the matter before a judge for immediate review. Counsel must understand that if prior arrangements have not been made, it may not be possible for a judge to immediately review an emergency filing.

SHOULD A CERTIFICATE OF READINESS BE FILED WITH A MOTION?

A Certificate of Readiness should not be filed with a motion.

RULE 208.3(b) -- CONTESTED MOTIONS

- (1) In accordance with Dauphin County Local Rule 208.2(d), if a moving party certifies that concurrence has been denied by a party or if a party fails to respond to the inquiry regarding concurrence within a reasonable time, said motion shall be deemed contested.
- (2) Any party who fails to concur to the motion and/or the proposed order shall file an original and one copy of a response and a proposed alternative order within twenty (20) days after service of the motion, unless the time for filing the response is modified by written agreement of counsel, court order, or enlarged by another local or state rule of court.
- (3) If twenty (20) days following service of the motion has expired or after the expiration of the time modified by written agreement of counsel, court order, or enlarged by another local or state rule of court, and a response to the motion has been filed or if a response has not been filed, either party may file an original and one copy of a Certificate of Readiness with the Prothonotary. The Prothonotary shall forward the original Certificate of Readiness to the Court Administrator's Office and retain a copy in the file. The Court Administrator's Office, under the direction and supervision of the Civil Calendar Judge, shall promptly assign the motion to a judge who has had prior significant involvement with the case, or, if no judge has had prior significant involvement, to a judge on a rotating basis. The Certificate of Readiness form is available in the Prothonotary's Office, in the Court Administrator's Office and online at the Dauphin County website at www.dauphincounty.org. Parties filing a Certificate of Readiness form must ensure that the most current form is utilized. Failure to utilize the most current form shall result in the rejection of the Certificate of Readiness.
- (4) If a party fails to file a timely response pursuant to this rule, the Court may, treat the motion as uncontested or enter an order under Pa.R.C.P. 208.4.

COMMENT: Rule 208.3(b) is promulgated to provide the procedure for contested motions or motions that are deemed contested. All motions should contain a certification that opposing counsel and/or pro se parties have been provided a copy of the proposed motion and proposed order. The motion must indicate whether opposing counsel and/or pro se parties concur. If concurrence has been denied or if a party fails to respond to the inquiry within a reasonable time, the motion is deemed contested. A party who fails to concur MUST file a response within twenty (20) days after service of the motion. When a response is filed or when twenty (20) days has expired, any party may file a Certificate of Readiness and check the box in Section A which reads Contested Civil Motions. The purpose of the rule is to provide for the automatic response requirement without the delay of the issuance of a rule to show cause and to provide for the assignment of the matter to a judge when it is ready for disposition.

DISCUSSION:

WHAT IS A CONTESTED MOTION?

A motion is deemed contested if the moving party certifies that concurrence has been denied by a party or if a party has failed to respond to the inquiry regarding concurrence within a reasonable period of time.

WHAT IS A REASONABLE PERIOD OF TIME?

This depends on the circumstances of the case, however, ten days following the inquiry seems to be a reasonable period of time.

IF A PARTY DOES NOT CONCUR IN THE MOTION AND REQUESTED RELIEF, SHOULD A PARTY WAIT FOR A RULE TO SHOW CAUSE?

NO. A party has twenty (20) days following service of the motion to file a response. No rule to show cause will be issued.

IS THIS TWENTY (20) DAY PERIOD SET IN STONE?

The only time this twenty (20) day response time is modifiable is by written agreement of the parties, court order or enlarged by another local or state rule of court.

WHAT HAPPENS AFTER A RESPONSE IS FILED?

Either side may file a certificate of readiness and the matter will be assigned to a judge for disposition. Be sure to use the most recent version of the certificate of readiness. You would check the box in Section A which reads Contested Civil Motions.

WHAT HAPPENS IF A RESPONSE IS NOT FILED, IS THE FILING PARTY STUCK?

If twenty (20) days have elapsed from service of the motion and no response has been filed, the moving party can file a certificate of readiness and the matter will be assigned to a judge. The court can treat the motion as uncontested.

RULE 208.4 MOTIONS – ENTRY OF ORDER

At the initial consideration of the motion, the court shall enter an order in accordance with Pa.R.C.P. 208.4.

BRIEFS

RULE 210 – FORM AND CONTENT OF BRIEFS

- (1) Briefs shall contain the following:
 - (a) a full and accurate procedural history of the case;
 - (b) a full, accurate and unbiased statement of the facts;
 - (c) a concise statement of the pertinent legal and factual question(s) involved;
 - (d) a legal discussion, with accurate and verified citations to legal authority, including contra authority;
 - (e) a concise statement indicating the requested relief and its specific application to the facts of the case; and
- (2) The Brief of each party, if more than fifteen pages in length, shall contain an Index and a Table of Citation of cases and statutes with reference to the page(s) at which they appear in the Brief. All citations must be verified and brought current to the date of filing.
- (3) No Reply Briefs shall be filed unless otherwise directed by the Assigned Judge.

DISCUSSION:

WHAT IS MEANT BY A “FULL, ACCURATE AND UNBIASED STATEMENT OF FACTS”?

All facts that the Court should know as background for the motion must be set forth accurately. An evenhanded recitation of the facts, as opposed to one laced with argument or including only those elements that favor the party submitting the brief, is required.

ORAL ARGUMENT

RULE 211 – ORAL ARGUMENT

Any party has a right to argue any motion, and the Court may require oral argument. If desired by any party involved in a motion, an oral argument request must be so noted on the Certificate of Readiness. If the party filing the Certificate of Readiness does not desire oral argument, counsel or that party if unrepresented shall inquire if any other party filing a brief wishes to present oral argument. By filing a completed Certificate of

Readiness, counsel or an unrepresented party certifies that said inquiry has been made and that the wishes of all interested parties are accurately reflected.

HOW DO I REQUEST ORAL ARGUMENT?

The party who files the Certificate of Readiness must inquire of all other parties if they desire oral argument. The party who files the Certificate of Readiness must note on the certificate of readiness in Box A whether any party requests oral argument. Only if **no** party requests oral argument should the “NO” box be checked.

CIVIL JURY TRIALS

RULE 212.1. NOTICE OF EARLIEST TRIAL DATE. FILING OF PRE-TRIAL STATEMENTS

- (a) Notice of civil jury trial dates required by Pa.R.C.P. 212.1(a) shall be effectuated by publication of the annual civil court calendar in the Dauphin County Reporter no later than November 1 of the year prior to the calendar’s effective date. Cases shall be listed for trial in accordance with Dauphin County R.C.P. 215.1.
- (b) Each party to an action which has been listed for civil jury trial shall file a pre-trial statement pursuant to Pa.R.C.P. 212.2 no later than seven days prior to the date set for the pre-trial conference. The original statement shall be filed with the Prothonotary and a copy shall be served on the pre-trial conference judge.

COMMENT: Pursuant to Pa.R.C.P. 212.1(c)(2), Dauphin County has altered the time frames for filing a pre-trial statement set forth in Pa.R.C.P. 212.1(b).

DISCUSSION:

ARE THERE SPECIFIC CIVIL COURT TERMS?

There are six one-week civil court terms. You can find the dates of the terms and the various deadlines associated with these court terms in the annual court calendar. The annual court calendar is found on the county website at www.dauphincounty.org at court departments.

WHEN ARE PRE-TRIAL STATEMENTS DUE AND WHO IS THE PRETRIAL CONFERENCE JUDGE?

The pre-trial statements are due no later than seven days prior to the date set for the pre-trial conference. The time and judge for the pre-trial conference are noted on the preliminary civil trial list which is published on the day of the hearing on objections.

RULE 212.2. CONTENTS OF PRE-TRIAL STATEMENTS

In addition to requirements of Pa.R.C.P. 212.2, the pre-trial statement shall include:

- (a) the estimated length of trial;
- (b) any scheduling problems;
- (c) any special evidentiary issues;
- (d) a realistic settlement offer or demand;
- (e) a certification that counsel discussed mediation in good faith with his or her client(s) and with opposing counsel and with all unrepresented parties, if any, in accordance with Dauphin County Local Rule 1001.

RULE 212.3. PRE-TRIAL CONFERENCES IN JURY TRIAL CASES

- (1) (a) For each term of court, a pre-trial conference for all cases on the civil jury trial list shall be held on a date specially fixed by the Court and published in the court calendar. Assignments designating the judge and the time of the conference shall be noted on the final trial list. Copies of the trial list will be available at the Court Administrator's Office and the Prothonotary's Office.
- (b) Each party shall be represented at the conference by counsel who will try the case or an authorized representative.
- (2) Counsel attending the pre-trial conference must have complete authority to stipulate on items of evidence and admissions as well as authority to settle. Counsel shall have the client available for consultation regarding settlement.
- (3) At the pre-trial conference, efforts shall be made to narrow legal issues, to reach stipulations as to facts not in controversy, to shorten the time and expense of trial, and to discuss the prospects of settlement. The Court, at its option, may enter a pre-trial order to become part of the record of the case, embracing all stipulations, admissions and other matters which have come before it.
- (4) If counsel fails to appear, the Court may impose appropriate sanctions.

RULE 215.1 JURY TRIALS

- (1) **LISTING** – An original and one copy of a Certificate of Readiness shall be filed with the Prothonotary listing a case for a jury trial in accordance with the

timelines published in the Annual Court Calendar. No case subject to compulsory arbitration shall be listed for trial, unless on appeal from a report and award of arbitrators. The party filing the Certificate of Readiness shall communicate with all counsel and/or pro se parties and confirm the availability of all counsel or the pro se party, as the case may be, together with the availability of all witnesses and all parties for the particular trial term before the Certificate of Readiness is filed. The listing party shall attest that all discovery has been completed, serious settlement negotiations have been conducted, and that the case is **READY IN ALL RESPECTS** for trial. Absent extraordinary and compelling circumstances, the failure to complete videotaped testimony for use at trial shall not be a proper basis for a request for a continuance. A copy of the Certificate of Readiness shall be promptly served on all counsel and/or pro se parties. If a party is not represented by counsel of record, such notice shall include the date of the first day of the applicable trial session. The Prothonotary shall forward the original Certificate of Readiness to the Court Administrator's Office and shall retain the copy in the file. The Certificate of Readiness form is available in the Prothonotary's Office, in the Court Administrator's Office and online at the Dauphin County website (www.dauphincounty.org). Parties filing the Certificate of Readiness form must ensure that the most current form is utilized. Failure to utilize the most current form shall result in the rejection of the Certificate of Readiness. If a party is unable to satisfy the requirements regarding the filing of a Certificate of Readiness due to the unavailability of counsel, parties or witnesses, such party shall immediately file an Administrative Application for Status Conference in accordance with Dauphin County Local Rule 215.3.

- (2) **ATTACHMENT** – Listing a case for trial shall have the effect of attaching all counsel of record for the trial term specified. The attachment shall be effective as of the date of the filing of the certificate of readiness unless a prior scheduling order has been issued.

The Dauphin County Court will defer to a scheduling/attachment order from another court of equal or higher jurisdiction so long as

- (a) The foreign order is earlier in time; and
- (b) The party with the scheduling conflict timely moves for a continuance and attaches a copy of the foreign order.

- (3) **OBJECTIONS TO THE CERTIFICATE OF READINESS FOR JURY TRIAL**

- (a) All Objections to the Certificate of Readiness shall be set forth in a pleading, in paragraph form, and filed promptly in accordance with the timelines found in the Annual Court Calendar. The Objection shall contain a procedural history of the case and a detailed statement as to why the objection is being made. The original and one copy of the Objection shall

be filed with the Prothonotary. The Prothonotary shall forward the original to the Court Administrator's Office and retain the copy in the file. The Objection shall be promptly served on all other counsel and/or pro se parties. Objections filed after the timelines established in the Annual Court Calendar will not be entertained, except in extraordinary circumstances for extremely good cause shown.

- (b) All objections shall be heard by the Civil Calendar Judge on the date specified in the Annual Court Calendar.

(4) COMPILATION OF TRIAL LIST

- (a) After the objections have been disposed of by the Court, the Court Administrator's Office shall compile the trial list for that session. Copies of the trial list shall be available in the Court Administrator's Office at least one (1) week prior to the first day of the session of jury trials.
- (b) All cases for trial shall be placed on the trial list in the order of their term and docket number, unless preference is required or appropriate.

(5) CALENDAR JUDGE – The Calendar Judge will have supervision of the cases on the Civil Jury Trial List, including the following:

- (a) Imposition of sanctions for the improper filing of a certificate of readiness.
- (b) Hearing of objections to the listing of cases.
- (c) Disposition of applications for preference in listing.
- (d) Assignment of cases.

DISCUSSION:

WHEN WILL A CASE BE LISTED ONCE A CERTIFICATE OF READINESS IS FILED?

A listing party should make sure that they have consulted the timelines found in the Annual Court Calendar. When a Certificate of Readiness is filed, the case will be listed for the next applicable trial term.

CAN A PARTICULAR TRIAL TERM BE DESIGNATED ON THE CERTIFICATE OF READINESS?

A particular trial term cannot be designated on the Certificate of Readiness. The timelines contained in the Annual Court Calendar will be followed and the date of filing of the Certificate of Readiness will dictate the trial term. If a future trial term is desired,

the Certificate of Readiness should not be filed until the last day to list for the previous trial term has passed.

WHERE CAN A LISTING PARTY OBTAIN A CERTIFICATE OF READINESS?

The current Certificate of Readiness forms are available in the Prothonotary's Office, in the Deputy Court Administrator's Office and online at the Dauphin County website (www.dauphincounty.org). The form online will be in PDF format and can be completed online and printed.

IS THE CERTIFICATE OF READINESS CONSIDERED TO BE A COVER SHEET IN ACCORDANCE WITH PA.R.C.P. 239.1(b)?

The Certificate of Readiness is not a cover sheet as referenced in Pa.R.C.P. 239.1(b).

WHERE CAN AN ATTORNEY OR PRO SE PARTY OBTAIN A COPY OF THE ANNUAL COURT CALENDAR?

The Annual Court Calendar can be obtained in the Prothonotary's Office, in the Deputy Court Administrator's Office and online at the Dauphin County website (www.dauphincounty.org).

WHAT SHOULD A PARTY DO IF THE PARTY IS UNABLE TO OBTAIN THE COOPERATION OF THE OPPOSING PARTY(IES) IN ORDER TO COMPLY WITH THE LISTING REQUIREMENTS OF RULE 215.1 – SHOULD A PARTY JUST FILE A CERTIFICATE OF READINESS?

A party should **never** file a Certificate of Readiness unless **all** of the requirements of Rule 215.1 are met. If a party is having difficulty in complying with the requirements of Rule 215.1 for any reason, the party should file an Administrative Application for Status Conference in accordance with Local Rule 215.3.

SHOULD A PARTY FILE A CERTIFICATE OF READINESS “JUST TO GET THE CASE MOVING”?

A party should **never** file a Certificate of Readiness to “just get the case moving.” The party should file an Administrative Application for Status Conference in accordance with Local Rule 215.3.

CAN THE PARTIES AGREE TO REMOVE A CASE FROM THE TRIAL LIST?

If the parties provide the Deputy Court Administrator – Civil with a letter from all parties agreeing not to have a case listed and the Deputy Court Administrator – Civil receives this letter before the last day to list a case for the particular trial term, the case will not be listed on the Preliminary Trial List. However, once the case appears on the Preliminary Trial List, a party must file an objection to the listing and all counsel and/or

pro se parties must appear at the Hearing on Objections. The Civil Calendar Judge will make the decision as to whether a case should be removed from a trial list. After the case is on the Preliminary Trial List, the parties cannot agree to have the case removed. The decision to remove a case from the list is made solely by the Civil Calendar Judge.

HOW DO I RECEIVE A COPY OF THE TRIAL LIST?

The Preliminary Trial List is compiled on the day following the last day to list a case for a particular trial term. This Preliminary Trial List will be emailed to all counsel and pro se parties who have a case on the preliminary list and to all members of the general civil email list. The Preliminary List is also available in the Prothonotary's Office and in the Deputy Court Administrator's Office. After the hearing on objections, the final trial list is compiled. This final trial list will also be emailed to all members of the general civil email list and to all other attorneys and pro se parties who have cases on the list. The final trial list will be mailed to all attorneys who do not have access to email. The final list is also available in the Prothonotary's Office and in the Deputy Court Administrator's Office.

HOW DO I LEARN THE TIME, DATE AND JUDGE FOR THE MANDATORY PRETRIAL CONFERENCE?

The date of the pretrial conference is found in the Annual Court Calendar. The time and judge assigned is found in the Final Trial List that is available on the afternoon of the day set for the Hearing on Objections.

WILL THE PRETRIAL CONFERENCE JUDGE BE THE TRIAL JUDGE?

The pretrial conference judge will not necessarily be the trial judge.

WHAT SHOULD I DO IF I NEED EXTRA TIME TO APPEAR FOR TRIAL – FOR EXAMPLE, MY OFFICE IS LOCATED IN PHILADELPHIA?

You should discuss any special considerations with the pretrial conference judge. The pretrial conference judge submits a short memo, which contains information useful to the Civil Calendar Judge and the Deputy Court Administrator – Civil, when it comes time to assign the case into a courtroom.

HOW DO I RECEIVE NOTIFICATION ABOUT THE JURY TRIAL ASSIGNMENT?

The first cases on the final trial list have the assigned judge noted on the final trial list. When a courtroom becomes available, the attorneys and/or pro se parties will be called by the Deputy Court Administrator – Civil and told when to appear ready for trial. The attorneys and pro se parties who have access to email will receive periodic updates during the trial week and can try to estimate where they fall on the list. Parties who do not have access to email are encouraged to keep in touch with the Deputy Court Administrator's Office to ascertain the status of the list.

HOW DO I GET ADDED TO THE CIVIL EMAIL LIST?

You can email Deborah S. Freeman, Deputy Court Administrator, at dfreeman@dauphinc.org and request to be added to the list.

STATUS CONFERENCES

RULE 215.3 – STATUS CONFERENCES

- (1) **DISCRETIONARY** – After the filing of a complaint, a party may file a pleading designated as an Administrative Application for Status Conference. A status conference may be requested for the purpose of setting a discovery deadline; exchanging information regarding witnesses and expected testimony; settlement discussions; discussion of special requests or problems or for facilitating the case to trial. Following the conference the Court may issue such order as may facilitate the resolution of issues raised at the conference and may assign the case for trial to a particular trial term.
- (2) **MANDATORY** – An Administrative Application for Status Conference shall be filed in all cases that are estimated to last longer than five days (jury selection through a reasonable period of jury deliberation) as soon as it is known or believed that the trial of the case may exceed that period of time. In such instances, the case will be assigned to a judge for case management purposes and eventual trial. At the conference, the assigned judge (in consultation with the Civil Court Administrator's Office), shall identify the civil trial term that accommodates the parties, witnesses, counsel and the court's schedule. The case will be listed for trial for the identified trial term by order of court and will be given a priority status. The scheduling order shall identify the estimated length of trial and any other special considerations.
- (3) The Administrative Application for Status Conference shall be in paragraph form and shall set forth the complete and factual procedural history of the case and the reasons necessitating the conference. A copy of the Application shall be served on all opposing counsel and pro se parties and no response shall be required. An original and one copy of the Application shall be filed with the Prothonotary. The Prothonotary shall forward the original to the Court Administrator's Office for assignment to a judge and shall retain the copy in the file. The Court Administrator's Office, under the direction and supervision of the Civil Calendar Judge, shall promptly assign the Application for Status Conference to a judge who has had prior significant involvement with the case or if no judge has had prior significant involvement, to a judge on a rotating basis.

DISCUSSION:

WHY MUST AN APPLICATION FOR STATUS CONFERENCE BE FILED IF A CASE IS EXPECTED TO LAST LONGER THAN FIVE DAYS?

If a case is going to last longer than five days, the case will be assigned immediately to a judge for a status conference and for trial. The judge and counsel, in consultation with the Deputy Court Administrator's Office, will set the case as a priority for a particular term and the case will commence on the Monday of the identified trial term. Dauphin County's civil trial terms are scheduled for only five days. A judge cannot accommodate a case that is expected to last longer than five days without this advanced planning.

COMPLEX LITIGATION

RULE 215.4 COMPLEX LITIGATION DESIGNATION: APPOINTMENT OF A SINGLE JUDGE

At anytime after the service of the complaint, any party to a case may file a pleading designated as an Administrative Application for Complex Case Designation. The Application shall be set forth in paragraph form. An original and one copy of the Application shall be filed with the Prothonotary. The Application shall set forth the parties, the causes of action, the nature of cross or counter claims, and a brief statement of the perceived complexities of the case. The Application shall further aver that all other parties have been contacted and shall state whether or not they concur in the Application. Where concurrence has not been obtained, a Rule to Show Cause, returnable within ten days of service, shall be attached to the Application. The Prothonotary shall forward the original Application to the Court Administrator's Office for further processing and shall retain the copy in the file. The Court Administrator's Office shall thereafter refer the matter to the Civil Calendar Judge who, upon review of the Application and any answer thereto, shall determine whether complex litigation designation is appropriate. If such status is granted, the Civil Calendar Judge shall by order assign the case to a member of the Court. This assignment shall be considered permanent for all pre-trial, trial, and post-trial matters.

A denial by the Civil Calendar Judge of complex litigation designation shall be without prejudice to refile another Application after the pleadings are closed.

RULE 1001 MEDIATION

a. General Applicability

Every civil action, except protection from abuse matters, filed in the Dauphin County Court of Common Pleas is eligible for mediation. Prior to filing suit and whenever practicable thereafter, parties and their counsel are encouraged to consider and to pursue mediation options.

b. Procedure for Mediation in Non-Jury Civil Trials, Civil Jury Trials and Cases Subject to Arbitration

Parties and their attorneys in all civil cases which will result in a non-jury civil trial, civil jury trial or arbitration may mutually elect to pursue mediation at any point before a case is listed for trial or arbitration. Status conferences conducted by the Court in accordance with Dauphin County Local Rule 215.3 shall include a discussion of the likely success of mediation and the appropriate point in the life of that case for mediation session(s) to be scheduled.

c. Certifications in Non-Jury Civil Trials, Civil Jury Trials and Cases Subject to Arbitration

All pre-trial conference memoranda filed in accordance with Dauphin County Local Rule 212.2 shall include certification by the attorney submitting same that mediation has been previously pursued or, if mediation has not been pursued, that the topic of mediation was discussed by not only counsel and/or pro se parties and rejected only after good faith consideration. Likewise, certificates of readiness filed with the Court Administrator listing a case for a Non-Jury Trial, a Civil Jury Trial or Arbitration shall contain a similar certification that mediation was pursued or, if not, was the subject of good faith consideration by counsel and all parties.

d. Mediation Programs

Parties and their attorneys are encouraged to use mediation to resolve disputes either through the Civil Dispute Resolution Program administered by the Dauphin County Bar Association or any other mediation program acceptable to the parties.

Comment:

Parties and their attorneys are encouraged to use mediation as a means to bring disputes to conclusion economically and expeditiously. While mediation is voluntary, the Court may feel strongly that the use of mediation will conclude pending litigation. Parties and their attorneys are urged to accept the advice of the Court when mediation is suggested as a means to resolve the case.

The Court may recommend that the parties in any civil case, except protection from abuse matters, utilize mediation or other alternative dispute resolution processes, including, but not necessarily limited to, services offered by the Civil Dispute Resolution Program as administered through the Dauphin County Bar Association whenever it appears to the judge presiding in such case that mediation or other alternative dispute resolution processes are likely to resolve the case.

An issue may arise regarding insurance policies, and particularly professional negligence policies, wherein ultimate approval of a settlement rests with the insured.

The use of mediation may lead parties to evaluate their positions and achieve a mutually acceptable resolution. This rule cannot rewrite an insurance contract, but participation in mediation may educate all interests with respect to the merits of resolving a pending dispute without protracted litigation. All parties should come to the mediation process with appropriate motivations. The process should be used in good faith; for example, it should not be used as an alternative means for discovery.

It is anticipated that the Pennsylvania Supreme Court may enact rules directing certain types of cases to use alternative dispute resolution processes, including mediation, as a prerequisite step for certification prior to trial. This rule is adopted in anticipation of such and will be amended to comply with the mandates of any future rules adopted by the Pennsylvania Supreme Court.

DISCUSSION:

IS MEDIATION MANDATORY?

Mediation is not mandatory; however, it is strongly encouraged and the concept should be discussed among counsel and counsel should discuss the concept with their clients.

WHERE CAN WE FIND MEDIATORS?

There is a civil dispute resolution program administered by the Dauphin County Bar Association. The Dauphin County Bar Association's telephone number is (717) 232-7536.

PRELIMINARY OBJECTIONS

RULE 1028(c) PRELIMINARY OBJECTIONS—PROCEDURES FOR DISPOSITION

- (1) Preliminary Objections shall be filed with the Prothonotary and served on all other parties.
- (2) Any response shall be filed within twenty days after service of the Preliminary Objections.
- (3) A brief in support shall be filed within forty days after service of the Preliminary Objections.
- (4) A brief in opposition shall be filed twenty days after service of the brief in support of the Preliminary Objections.
- (5) Oral argument may be requested as set forth in Local Rule 211.

- (6) The Preliminary Objections are ready for assignment to a judge when the briefing requirements set forth above are met or the time permitted for the filing of briefs has elapsed. At that point, either party may file an original and one copy of a Certificate of Readiness with the Prothonotary.
- (7) The Prothonotary shall forward the original Certificate of Readiness to the Court Administrator's Office and retain the copy in the file.
- (8) The Court Administrator's Office, under the direction and supervision of the Civil Calendar Judge, shall promptly assign the Preliminary Objections to a judge who has had prior significant involvement with the case or, if no judge has had prior significant involvement, to a judge on a rotating basis.
- (9) The Assigned Judge shall issue a scheduling order, which will include any additional briefing requirements and an argument date (if necessary). If the Assigned Judge determines that argument is advisable before a three-judge panel, the Assigned Judge and the Court Administrator's Office will make the necessary scheduling arrangements for such panel argument. Parties shall provide a copy of all subsequent pleadings, filings, briefs and memoranda related to the Preliminary Objections to the Court Administrator's Office for distribution to the assigned judge. No cover letter is necessary.
- (10) If a party requests that discovery is necessary for the disposition of the Preliminary Objections, said request shall be contained in the Preliminary Objection or in the answer thereto. The Assigned Judge shall dispose of this request in the scheduling order.
- (11) The Certificate of Readiness form is available in the Prothonotary's Office, in the Court Administrator's Office and online at the Dauphin County website (www.dauphincounty.org). Parties filing a Certificate of Readiness form must ensure that the most current form is utilized. Failure to utilize the most current form shall result in the rejection of the Certificate of Readiness.

Comment: If a party determines that discovery is necessary before the disposition of the Preliminary Objections, a party should file an Administrative Application for a Status Conference and request that a scheduling order be issued which includes discovery deadlines. Rule 1028(c) was amended to provide time frames for response(s) and briefs. A Certificate of Readiness may be filed after the response(s) and briefs have been filed or at the expiration of the time lines contained in this rule. The purpose of the amendment is to provide for the assignment of the matter to a judge when the matter is ready for disposition.

DISCUSSION:

FILING OF PRELIMINARY OBJECTIONS:

Preliminary Objections shall be filed with the Prothonotary. A copy of the Preliminary Objections shall be served on all other parties.

WHEN ARE PRELIMINARY OBJECTIONS READY FOR DISPOSITION?

Any response to preliminary objections shall be filed within twenty days after service of the preliminary objections. A brief in support of the preliminary objections must be filed within forty days after service of the preliminary objections. A brief in opposition must be filed within twenty days after service of the brief in support of the preliminary objections. When these requirements are met, the preliminary objections are ready to be assigned to a judge for disposition.

WHEN PRELIMINARY OBJECTIONS ARE READY FOR DISPOSITION, HOW DO THEY GET ASSIGNED TO A JUDGE?

When a party wishes to have the Preliminary Objections assigned to a judge for disposition, a party should file an original and a copy of the current Certificate of Readiness form with the Prothonotary. A party needs to complete only the section listing the names of the parties, the docket number and sections **A** and **G** of the form. The form must contain the signature of the listing counsel or pro se party. The listing counsel or pro se party is admonished to sign the form only after reading the verification found on the form above the signature line.

WHAT SHOULD I DO IF THE TIME LINES CONTAINED IN THIS RULE HAVE EXPIRED AND NO OPPOSITION BRIEF HAS BEEN FILED?

A party may file a Certificate of Readiness if the time lines contained in this rule have expired and no opposition brief has been filed. The assigned judge will address the failure to comply with the deadlines.

WHAT HAPPENS TO THE CERTIFICATE OF READINESS AFTER IT IS FILED WITH THE PROTHONOTARY?

The Prothonotary will timestamp the original and copy of the Certificate of Readiness and forward the original Certificate of Readiness to the Deputy Court Administrator's Office. The Prothonotary will retain the copy of the Certificate of Readiness for docketing purposes and the copy will be placed in the file. When the Certificate of Readiness is received by the Deputy Court Administrator's Office, the file will be pulled and the Preliminary Objections will be assigned to a judge who has prior significant involvement with a case or if no judge has had prior significant involvement, to a judge on a rotating basis.

WHAT WILL HAPPEN AFTER THE PRELIMINARY OBJECTIONS ARE ASSIGNED TO A JUDGE?

The assigned judge will review the preliminary objections, any response and the briefs and may issue a scheduling order with additional briefing requirements and/or an argument date if either side requested argument. All requests for argument must be in accordance with Local Rule 211 and so noted on the Certificate of Readiness in Box A. If no argument is requested by either party, the preliminary objections will be decided on the briefs.

WHAT SHOULD BE DONE IF IT IS BELIEVED THAT DISCOVERY IS NECESSARY BEFORE THE DISPOSITION OF THE PRELIMINARY OBJECTIONS?

If a party determines that discovery is necessary before the disposition of the Preliminary Objections, a party should file an Administrative Application for a Status Conference and request that a scheduling order be issued which includes discovery deadlines.

WHERE CAN A LISTING PARTY OBTAIN A CERTIFICATE OF READINESS?

The current Certificate of Readiness forms are available in the Prothonotary's Office, in the Deputy Court Administrator's Office and online at the Dauphin County website (www.dauphincounty.org). The form online will be in PDF format and can be completed online and printed.

SHOULD ANYTHING BE FILED WITH THE CERTIFICATE OF READINESS?

The Certificate of Readiness is the only thing that needs to be filed when the Preliminary Objections are ready to be assigned to a judge for disposition.

IS THE CERTIFICATE OF READINESS CONSIDERED TO BE A COVER SHEET IN ACCORDANCE WITH PA.R.C.P. 239.1(b)?

The Certificate of Readiness is not a cover sheet as referenced in Pa.R.C.P. 239.1(b).

THE RULE STATES THAT THE FILINGS ARE FORWARDED TO THE COURT ADMINISTRATOR'S OFFICE BUT AREN'T FILINGS SUBMITTED TO THE DEPUTY COURT ADMINISTRATOR'S OFFICE FOR REVIEW AND ASSIGNMENT?

The local rules reference the Court Administrator's Office in the generic sense. All filings are forwarded to the Deputy Court Administrator's Office, which is located on the third floor.

MOTIONS FOR JUDGMENT ON THE PLEADINGS

RULE 1034(a) – MOTION FOR JUDGMENT ON THE PLEADINGS—PROCEDURES FOR DISPOSITION

- (1) The Motion for Judgment on the Pleadings shall be filed with the Prothonotary and served on all other parties.
- (2) A response shall be filed within twenty days after service of the Motion for Judgment on the Pleadings.
- (3) A brief in support shall be filed within twenty days after service of the response.
- (4) A brief in opposition shall be filed within twenty days after service of the brief in support.
- (5) Oral argument may be requested as set forth in Local Rule 211.
- (6) The Motion for Judgment on the Pleadings is ready for assignment to a judge when the briefing requirements set forth above are met or the time permitted for the filing of briefs has elapsed. At that point, either party may file an original and one copy of a Certificate of Readiness with the Prothonotary.
- (7) The Prothonotary shall forward the original Certificate of Readiness to the Court Administrator's Office and retain the copy in the file.
- (8) The Court Administrator's Office shall promptly assign the Motion for Judgment on the Pleadings to a judge who has had prior significant involvement with the case or, if no judge has had prior significant involvement, to a judge on a rotating basis.
- (9) The Assigned Judge shall issue a scheduling order, which will include any additional briefing requirements and an argument date (if necessary). If the Assigned Judge determines that argument is advisable before a three-judge panel, the Assigned Judge and the Court Administrator's Office will make the necessary scheduling arrangements for such panel argument. Parties shall provide a copy of all subsequent pleadings, filings, briefs and memoranda related to the Motion for Judgment on the Pleadings to the Court Administrator's Office for distribution to the assigned judge. No cover letter is necessary.
- (10) The Certificate of Readiness form is available in the Prothonotary's Office, in the Court Administrator's Office and online at the Dauphin County website (www.dauphincounty.org). Parties filing a Certificate of Readiness form must ensure that the most current form is utilized. Failure to utilize the most current form shall result in the rejection of the Certificate of Readiness.

COMMENT: Rule 1034(a) was amended to provide time frames for response(s) and briefs. A Certificate of Readiness may be filed after the response(s) and briefs have been filed or at the expiration of the time lines contained in this rule. The purpose of the

amendment is to provide for the assignment of the matter to a judge when the matter is ready for disposition.

DISCUSSION:

FILING OF MOTIONS FOR JUDGMENT ON THE PLEADINGS:

The Motion for Judgment on the Pleadings shall be filed with the Prothonotary. A copy of the Motion for Judgment on the Pleadings shall be served on all other parties.

WHEN IS A MOTION FOR JUDGMENT ON THE PLEADINGS READY FOR DISPOSITION?

A Motion for Judgment on the Pleadings is ready for disposition when a response has been filed and the briefing requirements have been met.

WHAT SHOULD I DO IF THE TIME LINES CONTAINED IN THIS RULE HAVE EXPIRED AND NO OPPOSITION BRIEF HAS BEEN FILED?

A party may file a Certificate of Readiness if the time lines contained in this rule have expired and no opposition brief has been filed. The assigned judge will address the failure to comply with the deadlines.

HOW DOES A MOTION FOR JUDGMENT ON THE PLEADINGS GET ASSIGNED TO A JUDGE?

When the briefing requirements have been met, and a party wishes to have the Motion for Judgment on the Pleadings assigned to a judge for disposition, a party should file an original and a copy of the current Certificate of Readiness form with the Prothonotary. A party needs to complete only the section listing the names of the parties, the docket number and sections **A** and **G** of the form. The form must contain the signature of the listing counsel or pro se party. The listing counsel or pro se party is admonished to sign the form only after reading the verification found on the form above the signature line.

WHAT HAPPENS TO THE CERTIFICATE OF READINESS AFTER IT IS FILED WITH THE PROTHONOTARY?

The Prothonotary will timestamp the original and copy of the Certificate of Readiness and forward the original Certificate of Readiness to the Deputy Court Administrator's Office. The Prothonotary will retain the copy of the Certificate of Readiness for docketing purposes and the copy will be placed in the file. When the Certificate of Readiness is received by the Deputy Court Administrator's Office, the file will be pulled and the Motion for Judgment on the Pleadings will be assigned to a judge who has prior significant involvement with a case or if no judge has had prior significant involvement, to a judge on a rotating basis.

WHAT WILL HAPPEN AFTER THE MOTION FOR JUDGMENT ON THE PLEADINGS IS ASSIGNED TO A JUDGE?

The assigned judge will review the Motion for Judgment on the Pleadings, the response and briefs and may issue a scheduling order with additional briefing requirements and/or an argument date if either side requested argument. All requests for argument must be in accordance with Local Rule 211 and so noted on the Certificate of Readiness in Box A. If no argument is requested by either party, the Motion for Judgment on the Pleadings will be decided on the briefs.

WHERE CAN A LISTING PARTY OBTAIN A CERTIFICATE OF READINESS?

The current Certificate of Readiness forms are available in the Prothonotary's Office, in the Deputy Court Administrator's Office and online at the Dauphin County website (www.dauphincounty.org). The form online will be in PDF format and can be completed online and printed.

SHOULD ANYTHING BE FILED WITH THE CERTIFICATE OF READINESS?

The Certificate of Readiness is the only thing that needs to be filed when the Motion for Judgment on the Pleadings is ready to be assigned to a judge for disposition.

IS THE CERTIFICATE OF READINESS CONSIDERED TO BE A COVER SHEET IN ACCORDANCE WITH PA.R.C.P. 239.1(b)?

The Certificate of Readiness is not a cover sheet as referenced in Pa.R.C.P. 239.1(b).

THE RULE STATES THAT THE FILINGS ARE FORWARDED TO THE COURT ADMINISTRATOR'S OFFICE BUT AREN'T FILINGS SUBMITTED TO THE DEPUTY COURT ADMINISTRATOR'S OFFICE FOR REVIEW AND ASSIGNMENT?

The local rules reference the Court Administrator's Office in the generic sense. All filings are forwarded to the Deputy Court Administrator's Office, which is located on the third floor.

MOTION FOR SUMMARY JUDGMENT

RULE 1035.2(a) MOTION FOR SUMMARY JUDGMENT—PROCEDURES FOR DISPOSITION

- 1) A Motion for Summary Judgment shall be filed with the Prothonotary and served on all other parties.
- 2) A response to the Motion for Summary Judgment shall be filed within thirty days after service of the Motion for Summary Judgment.

- (3) A brief in support shall be filed within twenty days after service of the response to the Motion for Summary Judgment.
- (4) A brief in opposition shall be filed within twenty days after service of the brief in support of the Motion for Summary Judgment.
- (5) Oral argument may be requested as set forth in Local Rule 211.
- (6) The Motion for Summary Judgment is ready for assignment to a judge when the briefing requirements set forth above are met or the time permitted for the filing of briefs has elapsed. When said requirements are met, either party may file an original and one copy of a Certificate of Readiness with the Prothonotary.
- (7) The Prothonotary shall forward the original Certificate of Readiness to the Court Administrator's Office and retain a copy in the file.
- (8) The Court Administrator's Office shall promptly assign the Motion for Summary Judgment to a judge who has had prior significant involvement with the case or, if no judge has had prior significant involvement, to a judge on a rotating basis.
- (9) The Assigned Judge shall issue a scheduling order, which will include any additional briefing requirements and an argument date (if necessary). If the Assigned Judge determines that argument is advisable before a three-judge panel, the Assigned Judge and the Court Administrator's Office will make the necessary scheduling arrangements for such panel argument. Parties shall provide a copy of all subsequent pleadings, filings, briefs and memoranda related to the Motion for Summary Judgment to the Court Administrator's Office for distribution to the assigned judge. No cover letter is required.
- (10) The Certificate of Readiness form is available in the Prothonotary's Office, in the Court Administrator's Office and online at the Dauphin County website (www.dauphincounty.org). Parties filing a Certificate of Readiness form must ensure that the most current form is utilized. Failure to utilize the most current form shall result in the rejection of the Certificate of Readiness.

COMMENT: Rule 1035.2(a) was amended to provide time frames for response(s) and briefs. A Certificate of Readiness may be filed after the response(s) and briefs have been filed or at the expiration of the time lines contained in this rule. The purpose of the amendment is to provide for the assignment of the matter to a judge when the matter is ready for disposition.

DISCUSSION:

FILING OF A MOTION FOR SUMMARY JUDGMENT:

The Motion for Summary Judgment shall be filed with the Prothonotary. A copy of the Motion for Summary Judgment shall be served on all other parties.

WHEN IS A MOTION FOR SUMMARY JUDGMENT READY FOR DISPOSITION?

A Motion for Summary Judgment is ready for disposition when a response has been filed and the briefing requirements have been met.

WHAT SHOULD I DO IF THE TIMELINES CONTAINED IN THIS RULE HAVE EXPIRED AND NO OPPOSITION BRIEF HAS BEEN FILED?

A party may file a Certificate of Readiness if the time lines contained in this rule have expired and no opposition brief has been filed. The assigned judge will address the failure to comply with the deadlines.

IF A MOTION FOR SUMMARY JUDGMENT IS READY FOR DISPOSITION, HOW DOES IT GET BEFORE A JUDGE?

When a party wishes to have the Motion for Summary Judgment assigned to a judge for disposition, a party should file an original and a copy of the current Certificate of Readiness form with the Prothonotary. A party needs to complete only the section listing the names of the parties, the docket number and sections **A** and **G** of the form. The form must contain the signature of the listing counsel or pro se party. The listing counsel or pro se party is admonished to sign the form only after reading the verification found on the form above the signature line.

WHAT HAPPENS TO THE CERTIFICATE OF READINESS AFTER IT IS FILED WITH THE PROTHONOTARY?

The Prothonotary will timestamp the original and copy of the Certificate of Readiness and forward the original Certificate of Readiness to the Deputy Court Administrator's Office. The Prothonotary will retain the copy of the Certificate of Readiness for docketing purposes and the copy will be placed in the file. When the Certificate of Readiness is received by the Deputy Court Administrator's Office, the file will be pulled and the Motion for Summary Judgment will be assigned to a judge who has prior significant involvement with a case or if no judge has had prior significant involvement, to a judge on a rotating basis.

WHAT WILL HAPPEN AFTER THE MOTION FOR SUMMARY JUDGMENT IS ASSIGNED TO A JUDGE?

The assigned judge will review the Motion for Summary Judgment, the response and briefs and may issue a scheduling order with additional briefing requirements and/or an argument date if either side requested argument. All requests for argument must be in

accordance with Local Rule 211 and so noted on the Certificate of Readiness in Box A. If no argument is requested by either party, the motion for summary judgment will be decided on the briefs.

WHERE CAN A LISTING PARTY OBTAIN A CERTIFICATE OF READINESS?

The current Certificate of Readiness forms are available in the Prothonotary's Office, in the Deputy Court Administrator's Office and online at the Dauphin County website (www.dauphincounty.org). The form online will be in PDF format and can be completed online and printed.

SHOULD ANYTHING BE FILED WITH THE CERTIFICATE OF READINESS?

The Certificate of Readiness is the only thing that needs to be filed when the Motion for Summary Judgment is ready to be assigned to a judge for disposition.

IS THE CERTIFICATE OF READINESS CONSIDERED TO BE A COVER SHEET IN ACCORDANCE WITH PA.R.C.P. 239.1(b)?

The Certificate of Readiness is not a cover sheet as referenced in Pa.R.C.P. 239.1(b).

THE RULE STATES THAT THE FILINGS ARE FORWARDED TO THE COURT ADMINISTRATOR'S OFFICE BUT AREN'T FILINGS SUBMITTED TO THE DEPUTY COURT ADMINISTRATOR'S OFFICE FOR REVIEW AND ASSIGNMENT?

The local rules reference the Court Administrator's Office in the generic sense. All filings are forwarded to the Deputy Court Administrator's Office, which is located on the third floor.

NON-JURY CIVIL TRIALS

RULE 1038. TRIAL WITHOUT JURY

- (1) When a case is **READY IN ALL RESPECTS** to be scheduled for a trial without a jury, any party may file an original and one copy of a Certificate of Readiness with the Prothonotary.
- (2) The Prothonotary shall forward the original Certificate of Readiness to the Court Administrator's Office and shall retain the copy in the file.
- (3) The Court Administrator's Office, under the direction and supervision of the Civil Calendar Judge, shall assign the case to be tried without a jury to a judge who has had prior significant involvement with the case or, if no judge has had prior significant involvement, to a judge on a rotating basis. Parties shall provide a copy of all subsequent pleadings, filings, briefs and

memoranda to the assigned judge simultaneously with the filing thereof with the Prothonotary.

- (4) The Certificate of Readiness form is available in the Prothonotary's Office, in the Court Administrator's Office and online at the Dauphin County website (www.dauphincounty.org). Parties filing a Certificate of Readiness form must ensure that the most current form is utilized. Failure to utilize the most current form shall result in the rejection of the Certificate of Readiness.

DISCUSSION:

IF A CIVIL CASE IS READY TO BE SCHEDULED FOR TRIAL BEFORE A JUDGE WITHOUT A JURY, HOW DOES THE CASE GET ASSIGNED TO A JUDGE?

When a party determines that a civil case is **READY IN ALL RESPECTS** to be scheduled for trial before a judge without a jury, a party should file an original and a copy of the current Certificate of Readiness form with the Prothonotary. A party needs to complete only the section listing the names of the parties, the docket number and sections **C**, **E**, **F** and **G** of the form. The form must contain the signature of the listing counsel or pro se party. The listing counsel or pro se party is admonished to sign the form only after reading the verification found on the form above the signature line.

WHAT HAPPENS TO THE CERTIFICATE OF READINESS AFTER IT IS FILED WITH THE PROTHONOTARY?

The Prothonotary will timestamp the original and copy of the Certificate of Readiness and forward the original Certificate of Readiness to the Deputy Court Administrator's Office. The Prothonotary will retain the copy of the Certificate of Readiness for docketing purposes and the copy will be placed in the file. When the Certificate of Readiness is received by the Deputy Court Administrator's Office, the file will be pulled and the case will be assigned to a judge who has prior significant involvement with a case or if no judge has had prior significant involvement, to a judge on a rotating basis.

WHAT WILL HAPPEN AFTER THE CASE IS ASSIGNED TO A JUDGE FOR A NON-JURY TRIAL?

The assigned judge will review the file and issue a scheduling order, which may include a pretrial conference.

WHERE CAN A LISTING PARTY OBTAIN A CERTIFICATE OF READINESS?

The current Certificate of Readiness forms are available in the Prothonotary's Office, in the Deputy Court Administrator's Office and online at the Dauphin County website (www.dauphincounty.org). The form online will be in PDF format and can be completed online and printed.

IS THE CERTIFICATE OF READINESS CONSIDERED TO BE A COVER SHEET IN ACCORDANCE WITH PA.R.C.P. 239.1(b)?

The Certificate of Readiness is not a cover sheet as referenced in Pa.R.C.P. 239.1(b).

SHOULD ANYTHING BE FILED WITH THE CERTIFICATE OF READINESS?

The Certificate of Readiness is the only thing that needs to be filed when a case is ready to be assigned to a judge for a nonjury civil trial.

DOES THE DEFINITION OF NON-JURY CIVIL TRIAL INCLUDE APPEALS FROM AN ARBITRATION AWARD?

The definition of non-jury civil trial includes cases that are appealed from an arbitration award and the parties agree to have the matter heard before a judge without a jury.

DOES THE DEFINITION OF NON-JURY CIVIL TRIAL INCLUDE FAMILY LAW MATTERS OR ORPHANS' COURT MATTERS?

The definition of non-jury civil trial does not include family law matters or orphans' court matters.

DOES THE CERTIFICATE OF READINESS REPLACE THE NON-JURY ASSIGNMENT REQUEST FORM?

The Certificate of Readiness replaces the Non-Jury Assignment Request form.

ARBITRATION

RULE 1301 – ARBITRATION

- (1) All actions at issue in which the amount in controversy is \$50,000 or less, except those involving title to real estate, shall be submitted to and be heard by a Board of Arbitration pursuant to applicable law. The term “amount in controversy” shall mean the aggregate amount, exclusive of interest and costs, claimed by any one party in the complaint, counterclaim, or agreement of reference.
- (2) When a Certificate of Readiness is filed, it shall contain a statement of any other actions pending in this Court involving a common question of law or fact, together with the amount involved therein. If all such cases are subject to arbitration, the Prothonotary shall consolidate them for arbitration. If any such case is not subject to arbitration, all such cases shall be consolidated for trial before the Court.

DISCUSSION:

DOES THE CERTIFICATE OF READINESS REPLACE THE RULE OF REFERENCE?

The Certificate of Readiness form replaces the Rule of Reference.

RULE 1303 – LISTING OF A CASE. NOTICE. LOCATION. CONTINUANCES.

- (a) (1) When a case is **READY IN ALL RESPECTS** for arbitration, a party may file an original and one copy of a Certificate of Readiness with the Prothonotary in accordance with the timelines established in the Annual Court Calendar. The Prothonotary shall forward all original Certificate of Readiness forms to the Court Administrator's Office. The Chair of the arbitration panel shall prepare the list of cases and send the list of cases to all attorneys and pro se parties involved in the cases. The Certificate of Readiness shall contain the following statement:

This matter will be heard by a Board of Arbitrators at the time, date, and place specified by the Chair of the panel but, if one or more of the parties is not present at the hearing, the matter may be heard at the same time and date before a Judge of the Court without the absent party or parties. There is no right to a trial de novo on appeal from a decision entered by a Judge.

A hearing under the provisions of this notice shall be heard by the Arbitration Judge if his/her schedule so permits.

- (2) At least thirty days prior to filing a Certificate of Readiness, a party or attorney must notify all other parties or attorneys of the intention to list.
- (3) All hearings shall be in the Dauphin County Courthouse unless otherwise agreed to in writing by the parties or attorneys and the Court Administrator.
- (4) The Certificate of Readiness form is available in the Prothonotary's Office, in the Court Administrator's Office and online at the Dauphin County website (www.dauphincounty.org). Parties filing a Certificate of Readiness form must ensure that the most current form is utilized. Failure to utilize the most current form shall result in the rejection of the Certificate of Readiness.

DISCUSSION:

IF A CIVIL CASE IS READY TO BE SCHEDULED FOR HEARING BEFORE A BOARD OF ARBITRATION, HOW DOES THE CASE GET LISTED FOR ARBITRATION?

When a party determines that a civil case is under the \$50,000 threshold and that it is **READY IN ALL RESPECTS** to be listed for hearing before a Board of Arbitration, a party should file an original and a copy of the current Certificate of Readiness form with the Prothonotary. A party needs to complete only the section listing the names of the parties, the docket number and sections **B, E, F** and **G** of the form. The form must contain the signature of the listing counsel or pro se party. The listing counsel or pro se party is admonished to sign the form only after reading the verification found on the form above the signature line.

WHAT HAPPENS TO THE CERTIFICATE OF READINESS AFTER IT IS FILED WITH THE PROTHONOTARY?

The Prothonotary will timestamp the original and copy of the Certificate of Readiness and forward the original Certificate of Readiness to the Deputy Court Administrator's Office. The Prothonotary will retain the copy of the Certificate of Readiness for docketing purposes and the copy will be placed in the file. When the Certificate of Readiness is received by the Deputy Court Administrator's Office, the file will be pulled. When the deadline to list a case for a particular arbitration session has passed, the Arbitration Chair will pick up the files and the Certificates of Readiness from the Deputy Court Administrator's Office.

WHO PREPARES THE ARBITRATION LIST?

The Arbitration Chair will promptly prepare the list of all cases to be heard during the session and the list will include the dates and times of the hearings. The Arbitration Chair is responsible for sending the Arbitration List to all attorneys and pro se parties involved in the cases on the list.

WHERE ARE THE TIMELINES TO LIST A CASE FOR A PARTICULAR ARBITRATION TERM LOCATED?

The timelines for listing a case for a particular arbitration term are found in the Annual Court Calendar. The Annual Court Calendar can be obtained in the Prothonotary's Office, in the Deputy Court Administrator's Office and online at the Dauphin County website (www.dauphincounty.org).

WHERE CAN A LISTING PARTY OBTAIN A CERTIFICATE OF READINESS?

The current Certificate of Readiness forms are available in the Prothonotary's Office, in the Deputy Court Administrator's Office and online at the Dauphin County website (www.dauphincounty.org). The form online will be in PDF format and can be completed online and printed.

IS THE CERTIFICATE OF READINESS CONSIDERED TO BE A COVER SHEET IN ACCORDANCE WITH PA.R.C.P. 239.1(b)?

The Certificate of Readiness is not a cover sheet as referenced in Pa.R.C.P. 239.1(b).

(b) Continuances

- (1) The original and one copy of a pleading designated as an Application for Continuance shall be filed with the Prothonotary. The Prothonotary shall immediately forward the original to the Court Administrator's Office and retain the copy in the file. The Court Administrator's Office shall forward the Application to the Arbitration Chair if the case is less than two years old. If the case is more than two years old, the Court Administrator's Office shall forward the Application to the Arbitration Judge. Applications for Continuance shall be served concurrently upon all other parties. No continuance shall be granted if filed less than ten days prior to the beginning of the arbitration term except in the most extraordinary circumstances. A courtesy copy of the Application shall be sent to the Arbitration Chair.
- (2) The Application for Continuance shall certify that all other parties do or do not concur in the request.
- (3) If all parties concur, and the case is less than two years old, the panel Chair shall approve the Application for Continuance and file an order continuing the matter and directing the parties to file a Certificate of Readiness for a subsequent term.
- (4) If a party does not concur, and the case is less than two years old, the panel Chair shall convene a telephone conference among all parties, and shall make a decision on the Application for Continuance. The Chair shall then inquire if any aggrieved party wishes to appeal the matter to the Arbitration Judge.
 - (a) If a party indicates an intention to contest the decision of the panel Chair, an Application for Continuance shall thereafter be presented to the Arbitration Judge, reciting the date the Application for Continuance was presented to the panel Chair, the date of the conference call, the names of the attorneys and parties who participated in the call, and the panel Chair's decision.
 - (b) If no party indicates an intention to contest the decision of the panel Chair, the panel Chair shall file an order with the Prothonotary indicating the decision.
- (5) Only one request for continuance will be granted for cases less than two years old, and none shall be granted for those over two years old, except with leave of court for cause shown.

DISCUSSION:

HOW DOES A PARTY REQUEST A CONTINUANCE OF THE ARBITRATION HEARING?

The original and a copy of a pleading designated as an Application for Continuance should be filed with the Prothonotary. The Prothonotary will forward the original Application to the Deputy Court Administrator's Office. If the case is less than two years old, the Deputy Court Administrator's Office will forward the Application to the Arbitration Chair. If the case is more than two years old, the Deputy Court Administrator's Office will forward the Application to the Arbitration Judge. Applications for Continuance must be served on all other parties.

IS THERE A DEADLINE FOR FILING AN APPLICATION FOR CONTINUANCE?

No continuance shall be granted if filed less than ten days from the beginning of the arbitration term except in the most extraordinary circumstances.

SHOULD ALL OTHER PARTIES BE CONTACTED IN ADVANCE REGARDING THE FILING OF THE APPLICATION FOR CONTINUANCE?

All other parties should be contacted in advance regarding the filing of the Application for Continuance. The Application for Continuance must certify whether all other parties concur in the request for a continuance.

WHAT HAPPENS IF ALL PARTIES CONCUR IN THE APPLICATION FOR CONTINUANCE AND THE CASE IS LESS THAN TWO YEARS OLD?

If all parties concur in the Application for Continuance and the case is less than two years old, the Arbitration Chair shall approve the Application and file an order with the Prothonotary, which shall be docketed by the Prothonotary, and direct the parties to file a Certificate of Readiness for a subsequent term.

WHAT HAPPENS IF NOT ALL OF THE PARTIES CONCUR IN THE APPLICATION FOR CONTINUANCE AND THE CASE IS LESS THAN TWO YEARS OLD?

If all parties do not concur in the Application for Continuance and the case is less than two years old, the Arbitration Chair shall convene a telephone conference and make a decision on the Application for Continuance.

WHAT SHOULD AN AGGRIEVED PARTY DO IF IT WANTS TO CONTEST THE DECISION OF THE ARBITRATION CHAIR?

If a party wants to contest the decision of the Arbitration Chair, an Application for Continuance must be filed with the Prothonotary and will be forwarded to the Arbitration

Judge. The application must contain information regarding the date of the telephone conference, the names of the attorneys who participated in the call and the panel Chair's decision.

HOW MANY TIMES WILL A CASE BE CONTINUED IF IT IS LESS THAN TWO YEARS OLD?

Only one Application for continuance will be granted if the case is less than two years old.

HOW MANY TIMES WILL A CASE BE CONTINUED IF IT IS MORE THAN TWO YEARS OLD?

No Applications for Continuance will be granted if a case is more than two years old except with leave of court for cause shown.

CLASS ACTIONS

RULE 1703 CLASS ACTIONS

When a Class Action Complaint, which is properly captioned as such, is filed with the Prothonotary, a copy of the Complaint shall be immediately brought to the Court Administrator's Office by the filing party. The Court Administrator's Office, under the direction and supervision of the Civil Calendar Judge, will promptly assign the matter to a judge in accordance with Pa.R.C.P. 1703(b). Parties shall provide a copy of all subsequent pleadings, filings, briefs and memoranda to the assigned judge simultaneously with the filing thereof with the Prothonotary.

DISCUSSION:

WHAT SHOULD BE DONE WHEN A CLASS ACTION COMPLAINT IS FILED?

A copy of the class action complaint should be immediately brought to the Deputy Court Administrator's Office by the filing party so that the matter can be assigned to a judge in accordance with Pa.R.C.P. 1703(b).

SHOULD A CERTIFICATE OF READINESS BE FILED WITH A CLASS ACTION COMPLAINT?

A Certificate of Readiness should not be filed with a class action complaint.

SHOULD A NON-JURY ASSIGNMENT REQUEST FORM BE FILED WITH A CLASS ACTION COMPLAINT?

No form should be filed with the class action complaint. The Court Administrator's Office no longer uses the Non-jury Assignment Request form.

SUPPORT

RULE 1910.7 QUESTION OF JURISDICTION OR VENUE.

Preliminary Objections to the existence or exercise of jurisdiction or venue in any support action shall be assigned to a judge for disposition.

DISCUSSION:

SHOULD A CERTIFICATE OF READINESS BE FILED WITH PRELIMINARY OBJECTIONS FILED IN A SUPPORT MATTER?

A Certificate of Readiness should not be filed with Preliminary Objections filed in a support matter.

SHOULD A NON-JURY ASSIGNMENT REQUEST FORM BE FILED WITH PRELIMINARY OBJECTIONS FILED IN A SUPPORT MATTER?

No form should be filed with Preliminary Objections filed in a support matter. The Court Administrator's Office no longer uses the Non-jury Assignment Request form.

HOW ARE PRELIMINARY OBJECTIONS FILED IN A SUPPORT MATTER ASSIGNED TO A JUDGE?

Preliminary objections filed in a support matter do not come through the Deputy Court Administrator's Office but are directed by the Domestic Relations Office to the judge assigned to hear Domestic Relations matters.

CUSTODY

RULE 1915.5 QUESTION OF JURISDICTION OR VENUE. NO RESPONSIVE PLEADING REQUIRED. COUNTERCLAIM

- (a) An original and one copy of the Preliminary Objections raising a question of jurisdiction or venue shall be filed with the Prothonotary. Preliminary Objections to the existence of jurisdiction or venue in any custody action shall be assigned to the judge who is assigned to oversee custody matters or to the judge who has handled the case on a previous assignment.
- (b) Counterclaims or cross-claims shall, where possible, be filed prior to the conference.

DISCUSSION:

SHOULD A CERTIFICATE OF READINESS BE FILED WITH PRELIMINARY OBJECTIONS FILED IN A CUSTODY MATTER?

A Certificate of Readiness should not be filed with Preliminary Objections filed in a custody matter.

SHOULD A NON-JURY ASSIGNMENT REQUEST FORM BE FILED WITH PRELIMINARY OBJECTIONS FILED IN A CUSTODY MATTER?

No form should be filed with Preliminary Objections filed in a custody matter. The Court Administrator's Office no longer uses the Non-jury Assignment Request form.

HOW ARE PRELIMINARY OBJECTIONS FILED IN A CUSTODY MATTER ASSIGNED TO A JUDGE?

Preliminary objections filed in a custody matter are forwarded to the Deputy Court Administrator's Office by the Prothonotary. The Preliminary Objections will be assigned to a judge for disposition.

DIVORCE

RULE 1920.2 QUESTION OF JURISDICTION OR VENUE

Preliminary objections to the existence or exercise of jurisdiction or venue in any divorce action shall be assigned to a judge for disposition.

DISCUSSION:

SHOULD A CERTIFICATE OF READINESS BE FILED WITH PRELIMINARY OBJECTIONS FILED IN A DIVORCE MATTER?

A Certificate of Readiness should not be filed with Preliminary Objections filed in a divorce matter.

SHOULD A NON-JURY ASSIGNMENT REQUEST FORM BE FILED WITH PRELIMINARY OBJECTIONS FILED IN A DIVORCE MATTER?

No form should be filed with Preliminary Objections filed in a divorce matter. The Court Administrator's Office no longer uses the Non-jury Assignment Request form.

HOW ARE PRELIMINARY OBJECTIONS FILED IN A DIVORCE MATTER ASSIGNED TO A JUDGE?

Preliminary objections filed in a divorce matter are forwarded to the Deputy Court Administrator's Office by the Prothonotary. The Preliminary Objections will be assigned to a judge for disposition.

RULE 1920.43 SPECIAL RELIEF -- DIVORCE

- (1) A Petition for Special Relief filed in accordance with Pennsylvania Rule of Civil Procedure 1920.43 shall include a Rule to Show Cause in accordance with Pa.R.C.P.206.5 (Discretionary Issuance).
- (2) When a response to the Rule to Show Cause is filed, a party may, if otherwise appropriate under the Rules of Civil Procedure, file an original and one copy of a Certificate of Readiness with the Prothonotary.
- (3) The Prothonotary shall forward the original Certificate of Readiness to the Court Administrator's Office and retain a copy in the file.
- (4) The Court Administrator's Office, under the direction and supervision of the Civil Calendar Judge, shall promptly assign the Petition for Special Relief to a judge who has had prior significant involvement with the case or, if no judge has had prior significant involvement, to a judge on a rotating basis.
- (5) The Certificate of Readiness form is available in the Prothonotary's Office, in the Court Administrator's Office and online at the Dauphin County website (www.dauphincounty.org). Parties filing a Certificate of Readiness form must ensure that the most current form is utilized. Failure to utilize the most current form shall result in the rejection of the Certificate of Readiness.

DISCUSSION:

FILING OF PETITION FOR SPECIAL RELIEF UNDER PA.R.C.P. 1920.43.

An original and a copy of the Petition for Special Relief in a divorce matter should be filed with the Prothonotary's Office. The petition should contain a proposed rule to show cause. The Prothonotary will forward the original petition to the Deputy Court Administrator's Office.

SHOULD THE REQUEST FOR SPECIAL RELIEF BE DESIGNATED AS A PETITION?

The request for Special Relief in a divorce matter should be designated as a petition. The rules governing civil motions and petitions do not apply to family law actions under Pa.R.C.P. 1901 through 1940.9.

WHO REVIEWS THE PETITION FOR SPECIAL RELIEF IN DIVORCE?

The Petition for Special Relief will be reviewed by the Motion Judge. The Motion Judge will determine if any interim relief is warranted and will issue a rule to show cause.

HOW DOES THE MATTER GET ASSIGNED TO A JUDGE WHEN A RESPONSE TO A RULE TO SHOW CAUSE HAS BEEN FILED?

When a response to a rule to show cause has been filed, either party may file an original and a copy of the current Certificate of Readiness form with the Prothonotary. A party needs to complete only the section listing the names of the parties, the docket number and sections **A** and **G** of the form. The form must contain the signature of the listing counsel or pro se party. The listing counsel or pro se party is admonished to sign the form only after reading the verification found on the form above the signature line.

WHAT HAPPENS TO THE CERTIFICATE OF READINESS AFTER IT IS FILED WITH THE PROTHONOTARY?

The Prothonotary will timestamp the original and copy of the Certificate of Readiness and forward the original Certificate of Readiness to the Deputy Court Administrator's Office. The Prothonotary will retain the copy of the Certificate of Readiness for docketing purposes and the copy will be placed in the file. When the Certificate of Readiness is received by the Deputy Court Administrator's Office, the file will be pulled and the case will be assigned to a judge who has prior significant involvement with a case or if no judge has had prior significant involvement, to a judge on a rotating basis.

WHAT WILL HAPPEN AFTER THE CASE IS ASSIGNED TO A JUDGE?

The assigned judge will review the file and issue a scheduling order. Since the Petition for Special Relief, a rule to show cause and a response to the rule to show cause must be filed before the Certificate of Readiness can be filed, the assigned judge will either schedule a conference and/or a hearing.

WHERE CAN A LISTING PARTY OBTAIN A CERTIFICATE OF READINESS?

The current Certificate of Readiness forms are available in the Prothonotary's Office, in the Deputy Court Administrator's Office and online at the Dauphin County website (www.dauphincounty.org). The form online will be in PDF format and can be completed online and printed.

SHOULD A NON-JURY ASSIGNMENT REQUEST FORM BE FILED?

A Non-jury Assignment Request form should not be filed. The Court Administrator's Office no longer uses the Non-jury Assignment Request form.

ARE THERE OTHER INSTANCES WHERE A CERTIFICATE OF READINESS SHOULD BE FILED IN FAMILY LAW MATTERS?

The only time that a Certificate of Readiness should be filed in family law matters is when a Petition for Special Relief is ready to be assigned to a judge for disposition after a response to a rule to show cause has been filed.

DISCOVERY

RULE 4019 DISCOVERY

- (1) (a) Except in the situations that are covered by subsection (4) hereof, when a dispute arises, during any discovery permitted under the Pennsylvania Rules of Civil Procedure, an aggrieved party shall file with the Prothonotary an original and one copy of a Motion for a Discovery Conference. The Prothonotary shall forward the original discovery conference motion to the Court Administrator's Office for assignment in accordance with Local Rule 208.3 and shall retain the copy in the file.
- (b) The party filing the motion shall, at the time of filing, serve a copy upon all other parties.
- (2) (a) The motion shall be concise and contain the following:
 - (i) a brief statement identifying the parties and describing the nature of the case;
 - (ii) a brief statement of the status of any discovery procedure involved;
 - (iii) a verbatim statement of the discovery sought or objected to;
 - (iv) an assignment of reasons why the matter sought is discoverable or objected to, and a statement of the relief requested;
 - (v) a statement identifying all other parties and their counsel, with mailing addresses and telephone numbers, and a statement of the parties' attempt to resolve the dispute;
 - (vi) if necessary, a request for the suspension of all, or portion of all, discovery until the dispute is resolved;
- (b) No briefs will be filed with the motion or thereafter, except as permitted under Rule 4019(3)(b)(ii).
- (c) The party filing the motion shall submit therein all discovery disputes then existing between the parties.

- (d) Any other party may file an answer to the motion and raise by separate motion, whether an answer is filed or not, any discovery dispute not previously raised.
- (3) (a) Upon being filed, the matter shall be assigned to a Judge of this Court for disposition. Parties shall provide a copy of all subsequent pleadings, filings, briefs and memoranda related to the assigned discovery motion to the assigned judge simultaneously with the filing thereof with the Prothonotary.
- (b) The Judge to whom the motion is assigned may:
 - (i) schedule a discovery conference;
 - (ii) require the filing of briefs;
 - (iii) require oral argument;
 - (iv) dismiss the matter if the moving party fails to comply with this rule.
- (c) The Judge assigned to conduct the discovery conference shall enter an appropriate order disposing of the issues raised in the motion.
- (d) Any order issued pursuant to this Rule shall be entered of record.
- (4) Procedure for failure to provide discovery permitted by statute, rule of practice, rule of procedure, or order of court.
 - (a) WRITTEN DISCOVERY
 - (1) If a party fails to timely respond to interrogatories or a request for production of documents, and no extension of time has been granted, no motion for a protective order has been granted, or no objection to the written discovery request has been lodged, the party seeking the discovery shall proceed under **ONE** of the following options:
 - (a) DISCOVERY CONFERENCE – the aggrieved party may promptly file a Motion for a Discovery Conference in accordance with Local Rule 4019(1), provided that no written Notice of Intention to Seek Sanctions has been sent pursuant to Local Rule 4019(4)(a)(1)(b) as set forth hereafter.
 - (b) MOTION FOR SANCTIONS –

- (i) A written Notice of Intention to Seek Sanctions, specifically (a) referencing this rule, (b) listing the sanctions sought, and (c) where applicable, noting that the Sanctions Hearing Order will require the presence of both the defaulting party(ies) and their counsel at said hearing, unless counsel for the defaulting party(ies) accepts full responsibility for the default, in writing, filed within five calendar days of receipt of the motion, shall be sent to counsel for the defaulting party(ies), if represented, otherwise to the defaulting party(ies), by certified mail, return receipt requested, at least thirty days before filing a Motion for Sanctions.
- (ii) If a full and complete discovery response authorized by the Pennsylvania Rules of Civil Procedure is received within said thirty-day notice period, no Motion for Sanctions shall be filed. However, a Discovery Conference can thereafter be sought for any appropriate relief upon motion of any party.
- (iii) A Motion for Sanctions shall state the discovery requests alleged to be in default, and the requested appropriate sanctions pursuant to Pa.R.Civ.P. 4019. A written certificate of service of the written Notice of Intention to Seek Sanctions and a copy of the notice shall be attached. If attorneys' fees and expenses are sought, reasonable documentation of time devoted and expenses incurred must be attached to the Motion. Failure to attach such reasonable documentation shall preclude consideration of that form of relief. A concise Answer to the Motion is permitted if filed within ten days of service of a copy of the Motion for Sanctions. Parties shall provide a copy of all subsequent pleadings, filings, briefs and memoranda related to the motions for sanctions to the assigned judge simultaneously with the filing thereof with the Prothonotary.
- (iv) The Civil Calendar Judge shall conduct a hearing on the Motion, even if the default that prompted the Motion has been corrected before the hearing date.
- (v) Nothing in this section shall prohibit a party(ies), who is having difficulty in complying with a discovery request, from requesting a Discovery Conference with

the Court by filing a Motion for Discovery Conference before a Notice of the Intention to Seek Sanctions is sent by the requesting party(ies).

(b) DEPOSITIONS

- (1) When a party or nonparty fails to appear for a duly noticed deposition, and no Protective Order has been obtained, a Motion for Sanctions may be filed immediately and without further notice. However, it shall be the firm responsibility of the party seeking sanctions to ensure, to a certainty, that actual notice of the deposition was personally served on the person failing to appear.

DISCUSSION:

FILING A MOTION FOR DISCOVERY CONFERENCE:

When a dispute arises under any discovery permitted under the Pennsylvania Rules of Civil Procedure, an aggrieved party may file an original and a copy of the Motion for a Discovery Conference with the Prothonotary.

WHAT HAPPENS TO THE MOTION FOR DISCOVERY CONFERENCE AFTER IT IS FILED WITH THE PROTHONOTARY?

The Prothonotary will forward the original Motion for a Discovery Conference to the Deputy Court Administrator's Office for assignment to a judge who has had significant prior involvement with the case or if no judge has had prior significant involvement, to a judge on a rotating basis.

SHOULD A NON-JURY ASSIGNMENT REQUEST FORM BE FILED?

A Non-jury Assignment Request form should not be filed. The Court Administrator's Office no longer uses the Non-jury Assignment Request form.

SHOULD A CERTIFICATE OF READINESS BE FILED WITH THE MOTION FOR DISCOVERY CONFERENCE?

A Certificate of Readiness should not be filed with the Motion for Discovery Conference.

WHAT OPTIONS DOES A PARTY HAVE IF THE OPPOSING PARTY FAILS TO PROVIDE ANY RESPONSES TO A DISCOVERY REQUEST?

If no extension of time has been granted, no Motion for Protective Order has been granted or no objection to the written discovery request has been lodged, a party has two options: (1) A party may file a Motion for a Discovery Conference and the matter will

then be assigned to a judge for a discovery conference. (2) A party may proceed under Local Rule 4019(a)(1)(b) -- Motion for Sanctions.

IF A PARTY CHOOSES TO FILE A MOTION FOR A DISCOVERY CONFERENCE WHEN THE OPPOSING PARTY FAILS TO RESPOND IN ANY FASHION TO A DISCOVERY REQUEST, WILL THE CIVIL CALENDAR JUDGE HOLD THE DISCOVERY CONFERENCE?

The Motion for Discovery Conference will be assigned to a judge who has had prior significant involvement with a case or if no judge has had prior significant involvement, to a judge on a rotating basis.

WHAT NEEDS TO BE DONE BEFORE FILING A MOTION FOR SANCTIONS?

A written Notice of Intention to Seek Sanctions must be sent certified mail, return receipt requested, to the party who has failed to respond in any fashion to a discovery request. The Notice of Intention to Seek Sanctions must reference the local rule, list the sanctions sought, and note that the Sanctions Hearing Order will require the presence of both the defaulting party(ies) and their counsel unless counsel for the defaulting party(ies) accepts full responsibility for the default.

HOW DOES COUNSEL FOR THE DEFAULTING PARTY(IES) ACCEPT FULL RESPONSIBILITY FOR THE DEFAULT?

Counsel for the defaulting party must accept full responsibility for the default in writing which must be filed within five calendar days of receipt of the Motion for Sanctions.

CAN A MOTION FOR SANCTIONS BE FILED IF A RESPONSE TO THE DISCOVERY REQUEST IS RECEIVED WITHIN THIRTY DAYS OF RECEIPT OF THE NOTICE OF INTENTION TO SEEK SANCTIONS?

A Motion for Sanctions should not be filed if complete responses to the discovery requests are received within thirty days of receipt of the Notice of Intention to Seek Sanctions. A Motion for Sanctions should not be filed if a Motion for Protective Order is filed within this thirty-day grace period or if objections to the requested discovery are lodged within this thirty-day period.

WHAT SHOULD THE MOTION FOR SANCTIONS CONTAIN?

The Motion for Sanctions should list the discovery requests alleged to be in default and the requested appropriate sanctions pursuant to Pa.R.C.P. 4019. A certificate of service of the written Notice of Intention to Seek Sanctions and a copy of the notice shall be attached to the Motion for Sanctions. If attorneys' fees and expenses are sought, reasonable documentation of the time devoted and expenses incurred must be attached to the Motion for Sanctions. Failure to attach this documentation shall

preclude consideration of that form of relief. The return receipt card should also be attached to the motion.

IS THE DEFAULTING PARTY PERMITTED TO FILE AN ANSWER TO THE MOTION FOR SANCTIONS?

A concise Answer to the Motion for Sanctions is permitted if filed within ten days of service of a copy of the Motion for Sanctions.

WHO CONDUCTS THE HEARING ON THE MOTION FOR SANCTIONS?

The Civil Calendar Judge conducts the hearing on the Motion for Sanctions.

IS A HEARING REQUIRED IF THE DEFAULT THAT PROMPTED THE MOTION FOR SANCTIONS IS CORRECTED BEFORE THE HEARING DATE?

A hearing is required even if the default is corrected before the hearing date.

WHAT CAN AN ATTORNEY DO IF THE ATTORNEY IS HAVING TROUBLE COMPLYING WITH THE DISCOVERY REQUESTS?

An attorney who is having trouble complying with the discovery request should file a Motion for a Discovery Conference as soon as the attorney is aware that there is a problem but the Motion for Discovery Conference must be filed before the aggrieved party sends the Notice of Intention to Seek Sanctions.

SHOULD A NOTICE OF INTENTION TO SEEK SANCTIONS BE SENT IF A PARTY OR NONPARTY FAILS TO APPEAR AT A DULY NOTICED DEPOSITION?

When a party or nonparty fails to appear for a duly noticed deposition, and no Protective Order has been obtained, a Motion for Sanctions may be immediately filed without further notice. The party seeking sanctions for the failure to appear at a deposition must ensure that actual notice of the deposition was personally served on the person failing to appear.

GENERAL QUESTIONS

WHAT SHOULD I DO IF IT HAS BEEN A FEW WEEKS SINCE I HAVE FILED A CERTIFICATE OF READINESS FOR THE SPECIAL PRETRIAL MOTIONS (PRELIMINARY OBJECTIONS, JUDGMENT ON THE PLEADINGS, SUMMARY JUDGMENT), DIVORCE SPECIAL RELIEF OR CONTESTED CIVIL MOTION AND I HAVE NOT RECEIVED ANY TYPE OF ORDER?

You should contact the Deputy Court Administrator's Office at (717) 780-6630 to inquire as to the status. The receptionist should be able to track the filing and tell you the

assigned judge. Such inquiries are welcomed by the Deputy Court Administrator's Office.

WHAT SHOULD I DO IF IT HAS BEEN A FEW WEEKS SINCE I HAVE FILED A PETITION OR MOTION AND HAVE NOT RECEIVED ANY TYPE OF ORDER?

You should contact the Deputy Court Administrator's Office at (717) 780-6630 to inquire as to the status. The receptionist should be able to track the filing and tell you the assigned judge or the status of the motion. Such inquiries are welcomed by the Deputy Court Administrator's Office.

WHAT SHOULD I DO IF I HAVE QUESTIONS ABOUT THE LOCAL RULES OR PROCEDURES?

You should contact the Deputy Court Administrator's Office at (717) 780-6630.