

Rule 14. *Zoning Appeals. [Rescinded.]*

Editor's note: Rule 14 adopted November 5, 1984, effective January 2, 1985. Amended March 15, 1999, effective 30 days after publication in the *Pennsylvania Bulletin*; rescinded June 26, 2018, effective 30 days after publication in the *Pennsylvania Bulletin*.

**Rule 14. *Land Use Appeals: Zoning, Subdivision
and Land Development.***

- a. *Caption.* Appeals from the decision of a governing body, planning commission (where empowered to render a decision), or a zoning hearing board shall be captioned as follows:
 - (i) Appeal of _____ from the decision dated _____ of the [governing body, planning commission, or zoning hearing board].
 - (ii) Where appeals are filed from both a notice of decision and a decision containing findings of fact, conclusions of law, and reasons, the appeals shall be filed under the same case number assigned to the appeal filed first. The second filed notice of appeal, if any, shall be titled "Supplemental Notice of Appeal".
- b. *Service of Appeal.*
 - (i) Upon the filing of the notice of appeal of a decision of a zoning hearing board or of a decision of the governing body in a zoning matter, the appellant shall serve a copy of the notice of appeal upon the following, based upon the entity making the decision: zoning hearing board, the zoning hearing board solicitor, the municipality, the municipal solicitor, and all persons granted party status before the zoning hearing board or governing body.
 - (ii) Upon the filing of an appeal from the decision of a municipality or municipal planning commission in a subdivision or land development matter or in a matter involving a planned residential development, the appellant shall serve a copy of the notice of appeal on the municipality and the municipal solicitor. In appeals of a decision of the municipality involving a planned residential development or a subdivision or land development matter where the municipality conducted a public hearing, the appellant shall also serve a copy of the notice of appeal on all persons granted party status at the public hearing.

c. *Record on Appeal.*

- (i) Within 30 days of the service of the notice of appeal, unless extended by agreement of the parties, the municipality or municipal agency shall file the return of record with the Prothonotary.
- (ii) The record in an appeal from a decision of the zoning hearing board or the decision of the governing body in a conditional use application or other zoning proceeding heard by the governing body pursuant to the Pennsylvania Municipalities Planning Code, other than as set forth in (iii) below, shall include, but not be limited to, a copy of the complete municipal zoning ordinance and zoning map, the application, transcripts, hearing or meeting exhibits, plans, drawings, municipal staff and consultant review letters, county review letters, notice of decision, decision containing findings of fact, conclusions of law, and reasons. The return of record shall include a certification from the zoning officer or other designated municipal officer that the return is the complete and accurate record and that the ordinance and map are those in effect and applicable to the subject matter of the appeal.
- (iii) The record in an appeal of a decision of the governing body or planning commission involving a subdivision, land development, or planned residential development shall include, but not be limited to a copy of the complete municipal zoning ordinance, zoning map, subdivision and land development ordinance, the application, transcripts, meeting minutes, plans, drawings, other materials submitted by the applicant, municipal staff and consultant review letters, county review letters, and the written decision or approval. The return of record shall include a certification from the zoning officer or other designated municipal officer that the return is the complete and accurate record and that the ordinances are those in effect and applicable to the subject matter of the appeal.
- (iv) Any plans submitted with the return of record shall be no larger than $8\frac{1}{2}'' \times 11''$. If any plans that are part of the record are larger than $8\frac{1}{2}'' \times 11''$, the appellant shall within 10 days of filing the notice of appeal provide the municipality or municipal agency with electronic versions of the plans to be included in the return of record. Upon request of the Court, paper copies of plans greater than $8\frac{1}{2}'' \times 11''$ shall be submitted to the Court.
- (v) Upon the filing of the return of record, the municipality or municipal agency shall serve counsel for the appellant, the

appellant (where the appeal is filed pro se), and all persons granted party status at a public hearing held by the zoning hearing board or municipality with a copy of the list of documents and materials filed as part of the return of record.

- (vi) An application for relief may be filed in the event of non-compliance with this rule for consideration by the Court, which may impose sanctions.
- d. *Intervention.* Other than the notice of intervention permitted by section 1004-A of the Pennsylvania Municipalities Planning Code, 53 P.S. § 11004-A, intervention shall be governed by the Pennsylvania Rules of Civil Procedure.
- e. *Supplementation of the Record.* A petition for supplementation of the record shall be filed no later than 30 days from the date of the filing of the return of record or for a party permitted to intervene, 30 days from the date of the order allowing intervention. The responding party shall file and serve its answer within 20 days of the date of mailing of the petition for supplementation of the record. Following the filing of the answer, the petition shall be addressed by the Court.
- f. *Additional Evidence.* A petition for additional evidence shall be filed no later than 60 days from the date of the filing of the notice of appeal or for a party permitted to intervene 30 days from the date of the order allowing intervention. The responding party shall file and serve its answer within 20 days of the date of mailing of the petition. Following the filing of the answer, the petition shall be addressed by the Court.
- g. *Petition for Bond.* A petition for bond shall be filed no later than 60 days from the filing of the notice of appeal. The responding party shall file its answer within 20 days of the date of mailing of the petition. Following the filing of the answer, the petition shall be addressed by the Court.
- h. *Briefing and Argument.* Subject to pending motions or petitions, on or after 90 days from the date of the filing of the notice of appeal, the Court shall issue a scheduling order for briefing and argument.
- i. *Land Use Appeals Settlement Stipulation Verification.* Any Settlement of a Land Use Appeal shall include a Land Use Appeal Settlement Stipulation Verification.

See Forms Index

Editor's note: Adopted June 26, 2018, effective 30 days after publication in the *Pennsylvania Bulletin*; amended May 14, 2019, effective 30 days after publication in the *Pennsylvania Bulletin*.

Rule *200.***Trial Readiness. [Rescinded.]***

Editor's note: Adopted October 19, 2015. Effective January 1, 2016; rescinded March 10, 2020, effective on April 13, 2020.

Rule *200.***Trial Readiness.***

- (1) *Application.* This Local Rule shall apply to all civil actions requiring a Cover Sheet pursuant to Rule 205.5 filed on or after January 1, 2016, excluding cases commenced by Petition, Declaration of Taking, Zoning Appeals, Board of Assessment Appeals, Declaratory Judgment and Mass Tort cases. The maximum time limits noted herein, including those identified in a Case Management Order or subsequent Order of Court pursuant to subsection (e), supersede any similar time limits established pursuant to the agreement of the parties, or pursuant to a Discovery Management Order under Local Rule 4019*;
- (2) Nothing in this rule shall relieve the parties from the duty to move a civil action forward expeditiously, including, but not limited to:
 - i) Prompt commencement and completion of fact discovery from the commencement of any civil action subject to this local rule;
 - ii) Exchange of expert reports and curricula vitae of said experts, or answers to expert interrogatories;
 - iii) The filing of dispositive motions promptly after the completion of discovery.
- (3) *Within Arbitration Limit Cases.*
 - a) A civil action requiring a Cover Sheet pursuant to Rule 205.5, whereon the filing party checked the box in Section A noting the dollar amount requested is “within arbitration limits” (excepting those involving title to real estate and equity cases), shall be praeciped for Arbitration by the parties, pursuant to Local Rule 1302, within 9 months of the date of filing of said action, or in the event such a civil action is commenced in Montgomery County as a “transfer from another jurisdiction”, within 9 months of the transfer date;
 - b) Parties may request an expedited Case Management Conference at any time after service on all parties of any civil action subject to this local rule;
 - c) If an arbitration limit case is not praeciped for Arbitration within 9 months of the date of filing or transfer of said action, the case will be scheduled by the Court for a Case Management Conference before the Court or its designee;

- d) At the Case Management Conference, all parties shall be prepared to explain the status of discovery, the status of the case and shall have authority to engage in settlement discussions. A Case Management Order will be entered which establishes the following, if applicable:
 - i) A date for completion of all discovery, except for depositions for use at trial;
 - ii) A date for plaintiff to submit expert reports and curricula vitae of said experts, or answer expert interrogatories;
 - iii) A date for defendant to submit expert reports and curricula vitae of said experts, or answer expert interrogatories;
 - iv) A date for the filing of all dispositive motions, and any responses thereto;
 - v) The transfer of said case to the Outside Arbitration Limit track, with set dates as noted above, based on a change in the determination of the amount in controversy;
 - e) In no event shall the dates in the Case Management Order, as noted in subsection (c) above, extend beyond 60 days from the date of the Case Management Order. Absent the filing of an intervening Arbitration Praecipe, the case will automatically be placed in the Arbitration Inventory, for the scheduling of an Arbitration Hearing, 60 days from the date of the Case Management Order;
 - f) Any extension of a deadline set forth in a Case Management Order under this Rule (or an Order under Local Rule 212.1(d)(4) or Local Rule 4019(5)) may be obtained only through a Motion for Extraordinary Relief. The Motion shall set forth the reasons for the requested relief and the reasons that the current deadlines cannot be met despite diligent effort. Any party opposing the Motion shall have 10 days in which to respond, after which time the Court will enter an appropriate order. Argument may be scheduled by the Court. The parties may not obtain an extension of any such deadlines by stipulation.
- (4) *Outside Arbitration Limit Cases.*
- a) A civil action requiring a Cover Sheet pursuant to Rule 205.5, whereon the filing party checked the box in Section A noting the dollar amount requested is “outside arbitration limits”, shall be praeciped for Trial by the parties, pursuant to Local

Rule 212.1*(d), within 18 months of the date of filing of said action or in the event such a civil action is commenced in Montgomery County as a “transfer from another jurisdiction”, within 18 months of the transfer date;

- b) Parties may request an expedited Case Management Conference at any time after service on all parties of any civil action subject to this local rule;
- c) If an outside-arbitration limit case is not praeciped for Trial within 18 months of the date of filing or transfer of said action, the case will be scheduled by the Court for a Case Management Conference before the Court or its designee;
- d) At the Case Management Conference, all parties shall be prepared to explain the status of discovery, the status of the case and shall have authority to engage in settlement discussions. A Case Management Order will be entered which establishes the following, if applicable:
 - i) A date for completion of all discovery, except for depositions for use at trial;
 - ii) A date for plaintiff to submit expert reports and curricula vitae of said experts, or answer expert interrogatories;
 - iii) A date for defendant to submit expert reports and curricula vitae of said experts, or answer expert interrogatories;
 - iv) A date for the filing of all dispositive motions, and any responses thereto;
 - v) The transfer of said case to the Within Arbitration Limit track, with set dates as noted above, based on a change in the determination of the amount in controversy;
- e) In no event shall the dates in the Case Management Order, as noted in subsection (c) above, extend beyond 120 days from the date of the Case Management Order. Absent the filing of an intervening Trial Praecipe, the case will automatically be placed in the Civil Trial Inventory, for the scheduling of a Pre-Trial Conference, 120 days from the date of the Case Management Order;
- f) Any extension of a deadline set forth in a Case Management Order under this Rule (or an Order under Local Rule 212.1(d)(4) or Local Rule 4019(5)) may be obtained only through a Motion for Extraordinary Relief. The Motion shall set forth the reasons for the requested relief

and the reasons that the current deadlines cannot be met despite diligent effort. Any party opposing the Motion shall have 10 days in which to respond, after which time the Court will enter an appropriate order. Argument may be scheduled by the Court. The parties may not obtain an extension of any such deadlines by stipulation.

- (5) *Track Transfer*. If at any time during the pendency of an action subject to this Rule, based on subsequent pleadings or a change in the determination of the amount in controversy, a party or parties determine that the case is not on the appropriate track, the party/parties can request the scheduling of a Case Management Conference before the Court or its designee, wherein the issue will be resolved. A Court Order is required to transfer a case from one track to another. The Court can, sua sponte, order the transfer of a case from one track to another.

Comments:

1. Zoning Appeals cases shall proceed pursuant to Local Rule 14;
2. Board of Assessment Appeal cases shall proceed pursuant to Local Rule 920;
3. Asbestos cases shall proceed pursuant to Local Rule 1041.1;
4. All cases involving title to real estate and equity cases are considered "Outside Arbitration Limit Cases."
5. See Local Rule 4019*.2(2) for the time limit on filing any motion to compel discovery.

Editor's note: Adopted March 10, 2020, effective on April 13, 2020; amended September 12, 2023, effective 30 days after publication in the *Pennsylvania Bulletin*.

Rule *205.2(a). *Required Redaction of Pleadings and Other Papers Filed with the Court.*
[Rescinded.]

Editor's note: Adopted November 3, 2010, effective upon publication on the Pennsylvania Judiciary's Web Application Portal; rescinded November 27, 2017, effective on January 6, 2018.

Rule *205.2(b). *Cover Sheet.*

The cover sheet required by Rules 208.3(b), 1028(c), 1034(a) and 1035.2(a) shall be as follows:

- (a) Cover Sheet of Moving Party

<i>See Forms Index</i>

- (b) Cover Sheet of Respondent

See Forms Index

Comment: The Cover Sheet forms referenced in this rule are available online at www.montcopa.org/prothy/forms.html.

Editor's note: Revised April 14, 2004, effective July 26, 2004; amended November 4, 2004, effective upon publication on the web site of the Administrative Office of Pennsylvania Courts (www.ujportal.pacourts.us); amended May 24, 2010, effective upon publication on the Pennsylvania Judiciary's Web Application Portal.

Rule 205.4*. *Electronic Filing and Service of Legal Papers.*

- (a)(1) The Montgomery County Court of Common Pleas hereby permits the electronic filing of legal papers and the electronic service of such papers, under the terms described in this Local Rule.
- (b)(1) All legal papers shall be presented for electronic filing in portable document format (“pdf”). As authorized by Pa.R.C.P. No. 205.4(b)(1), in the event any legal paper is submitted to the Prothonotary in a hard-copy format, the Prothonotary shall convert such legal paper to pdf and maintain it in that format. The Prothonotary shall return the hard-copy legal paper to the filing party for retention as required by Pa.R.C.P. No. 205.4(b)(4). In the case of legal papers in hard-copy format filed by inmates housed in any correctional facility, prison or jail, the Prothonotary shall retain the original hard-copy legal papers, and return a photocopy of the legal papers to the inmate. The Prothonotary shall maintain the original hard-copy legal papers as outlined in Pa.R.C.P. No. 205.4(b)(4).
- (c)(2) All legal papers that are filed electronically shall be filed through the Prothonotary’s Electronic Filing System (“Electronic Filing System”) which shall be accessible through the Montgomery County Prothonotary’s web site, www.montgomerycountypa.gov/Prothonotary. To obtain access to the Electronic Filing System, counsel and any unrepresented party must apply to the Prothonotary’s Office for a User Name and Password.
- (d)(1) The Prothonotary will accept for payment of all filing fees the following credit and debit cards: American Express, Discover, MasterCard and Visa. The Prothonotary will not accept advance deposit on account of future filing fees.
- (f)(1) Upon receipt of the legal paper, the Prothonotary shall provide the filing party with an acknowledgment, which includes the date and time the legal paper was received by the Electronic Filing System. The Prothonotary shall also provide the filing party with notice that the legal paper was accepted for filing. If a legal paper is not

accepted upon presentation for filing or is refused for filing by the Electronic Filing System, the Prothonotary shall immediately notify the party presenting the legal paper for filing of the date of presentation, the fact that the document was not accepted or refused for filing by the system, and the reason therefor.

(2) Aside from legal papers identified in section (b)(1), above, neither the Court nor the Prothonotary shall be required to maintain a hard copy of any legal paper, notice or order filed or maintained electronically under this rule.

Editor's note: Previous Rule 205.4* rescinded and current rule adopted September 29, 2008, effective upon publication in the Pennsylvania Judiciary's Web Application Portal. Adopted May 16, 2013, effective May 30, 2013, published May 29, 2013; amended February 24, 2025, effective 30 days after publication in the *Pennsylvania Bulletin*.

Rule 205.6*. ***Confidential Information and Confidential Documents. Certification. [Rescinded.]***

Editor's note: Adopted November 27, 2017, effective on January 6, 2018; rescinded December 14, 2021, effective on December 31, 2021.

Rule 206.1(a). ***Petition. Definition.***

The following applications are defined as “petitions”, and are to be governed by Rule 206.1, et seq:

- (1) an application to transfer venue on the ground of forum non conveniens.
- (2) an application to strike and/or open a judgment by confession.

Comment: The following applications are not governed by Rule 206.1, et seq., or by Rule 208.1, et seq., but rather are governed by the provisions of the general rule(s) governing the particular matter: Request to Appoint Trustee or Receiver pursuant to Pa.R.C.P. 1533; Petition to Compromise, Settle or Discontinue Minor's Action pursuant to Pa.R.C.P. 2039 and Local Rule 2039(a)*; Petition for Supplementary Relief in Aid of Execution pursuant to Pa.R.C.P. 3118; Petition to Fix Fair Market Value of Real Property Sold pursuant to Pa.R.C.P. 3282; Petition for Appointment of Viewers pursuant to 26 Pa.C.S. § 502; Petition to Post Bond in Land Use Appeals pursuant to 53 P.S. § 11003-A; Petition for Change of Name pursuant to 54 Pa.C.S.A. § 701 et seq.

Editor's note: Revised April 14, 2004, effective July 26, 2004; amended September 12, 2023, effective 30 days after publication in the *Pennsylvania Bulletin*.

Rule 206.4(c). ***Issuance of a Rule to Show Cause. [Rescinded.]***

Rule 206.4(c). ***Issuance of a Rule to Show Cause.***

- (1) *Issuance.* A Rule to Show Cause for petitions governed by Rule 206.1, et seq., shall issue as a matter of course pursuant to

Rule 206.6. Petitions governed by this Rule shall be filed along with:

- (a) a cover sheet in the form set forth in Local Rule 205.2(b),
- (b) a brief or memorandum of law, as set forth in Local Rule 210,
- (c) a proposed order in the following form:

See Form Proposed Order

<i>See Forms Index</i>

- (d) a proposed order granting the relief requested by the petition.

The petition and proposed orders shall be filed in the Prothonotary's Office, and forwarded to the Court Administrator, who shall have the authority to sign the Rule to Show Cause Order.

If a petitioner requests a stay of proceedings pending disposition of a petition, the Court Administrator shall promptly refer the stay request to the Civil Equity/Emergency Judge for review and determination.

- (2) *Response.* Within the time stated in the Rule to Show Cause, the respondent shall file an answer to the petition. The answer shall be filed along with:
 - (a) a cover sheet in the form set forth in Local Rule 205.2(b),
 - (b) a brief or memorandum of law, as set forth in Local Rule 210, and
 - (c) a proposed order.
- (3) *Discovery.* Any depositions or other discovery on factual issues raised by the petition and answer shall be concluded within forty-five (45) days from the date of the Rule to Show Cause Order. Any supplemental briefs addressing facts elicited through such discovery shall be filed within sixty (60) days from the date of the Rule to Show Cause Order.

See Form Argument Praeceptum

<i>See Forms Index</i>

- (4) *Argument Praeceptum.* If the petitioner and respondent agree that no discovery on the petition is required or that all such discovery and supplemental briefing have been completed, then either party may file an Argument Praeceptum in the following form:
- (5) *Disposition.* If the respondent fails to file a timely answer, then the matter shall be immediately referred to a Judge, who will consider

the petition on its merits and enter an appropriate order in accordance with Rule 206.7(a). If a timely answer is filed, then the matter shall be referred to a Judge for disposition (a) upon the filing of an Argument Praecipe or (b) after sixty (60) days from the date of the Rule to Show Cause Order, if no Argument Praecipe has been filed. Oral argument shall be held only if ordered by the Judge.

Comment:

1. The forms referenced in this rule are available online at www.montgomerycountypa.gov/945/forms.

2. The term “Argument Praecipe” has been retained as one familiar to the Bar, even though the holding of oral argument is discretionary.

Editor’s note: Amended August 7, 2012, effective upon publication on the Pennsylvania Judiciary’s Web Application Portal. Amended October 15, 2015, effective January 1, 2016. Amended December 9, 2015, effective upon publication on the UJS Portal; rescinded and replaced September 12, 2023, effective 30 days after publication in the *Pennsylvania Bulletin*.

Rule 208.2(c). *Motion. Brief Statement of Applicable Authority*

Any motion filed pursuant to Rule 208.1 shall include a brief statement of the applicable authority.

Editor’s note: Revised April 14, 2004, effective July 26, 2004.

Rule 208.2(d). *Uncontested Motions. Certification.*

If counsel for the moving party determines that a motion is uncontested by all parties involved in the case, counsel may file a certification that the motion is uncontested. This certification language is included on the cover sheet of the moving party required by Local Rule 208.3(b). By checking the appropriate box on the cover sheet of the moving party, and signing the certification section of the cover sheet, counsel for the moving party will satisfy the certification requirement under this Rule. Disposition of an uncontested motion is governed by Local Rule 208.3(a).

Editor’s note: Revised April 14, 2004, effective July 26, 2004.

Rule 208.2(e). *Motions Related to Discovery. Certification.*

Any motion relating to discovery must include a certification by counsel for the moving party that counsel has conferred or attempted to confer with all interested parties in order to resolve the matter without court action. This certification language is included on the cover sheet of moving party required by Local Rule 208.3(b). By checking

the appropriate box on the cover sheet of the moving party, and signing the certification section of the cover sheet, counsel for the moving party will satisfy the certification requirement under this rule.

Editor's note: Revised April 14, 2004, effective July 26, 2004

Rule 208.3(a). *Motions. Simplified Procedure.*

The following “motions” shall be considered by the court without written responses or briefs:

- (1) Requests for Alternative Service pursuant to Rule 430;
- (2) Requests to Proceed Informa Pauperis (Rule 240);
- (3) Any motion certified as uncontested pursuant to Local Rule 208.2(d).

The foregoing motions, after filing with the Prothonotary, shall be presented to the Court Administrator. The Court Administrator shall promptly deliver the motion to the Civil Equity/Emergency Judge for review and determination.

Editor's note: Revised April 14, 2004, effective July 26, 2004.

Rule 208.3(b). *Motion Practice. Rule to Show Cause. Disposition of Motions. [Rescinded.]*

Rule 208.3(b). *Motion Practice. Rule to Show Cause. Disposition of Motions.*

- (1) *Filing.* All other “motions” as defined by Rule 208.1, excepting those listed above in Local Rule 208.3(a), shall be governed by this Rule. All such motions shall be faced with a cover sheet of the moving party in the form set forth in Local Rule 205.2(b) and shall be accompanied by the moving party’s proposed order and, unless the legal basis for the motion is adequately set forth in the motion itself, a brief or memorandum of law.
- (2) *Listing.* Excepting motions for sanctions or contempt of a prior court order and other motions that are to be scheduled for a hearing or that are to be forwarded to a Judge upon filing, the Court Administrator shall fix promptly a return day which shall not be less than twenty (20) days from the date of filing of said motion, and the moving party shall forthwith serve the respondent with a copy of the motion and the cover sheet indicating the return day thereon. Except as the Court may otherwise direct, motions in limine and other pretrial motions that are filed after a Pretrial Conference has been held or after a case has been listed for trial will not be given a return day and will be referred to the Judge who conducted the Pretrial Conference or, if a different Judge has been assigned the case for trial, to that Judge.

- (3) *Motions to Withdraw as Counsel.* If the motion seeks leave of the Court to withdraw as counsel, then the movant must forthwith serve his or her client with a copy of the motion and cover sheet indicating the return day and shall promptly file a certification that the motion and the rule return date were served upon the client, in substantially the following form:

See Form Certificate of Service

<p style="text-align: center;"><i>See Forms Index</i></p>

If such a certificate is not filed prior to the return date, then the motion shall be stricken without prejudice.

- (4) *Emergency Motions.* Motions that are alleged to be “emergencies” will not initially be given a rule return date, but rather the Court Administrator will forward the emergency motion to the appropriate Judge. If the matter is deemed to be an emergency by the Judge, the Judge will process the matter accordingly. If the matter is not deemed to be an emergency, the matter will be returned to the Court Administrator for listing pursuant to this Rule.
- (5) *Response.* On or before the return day, the respondent shall file an answer to the motion, even if there are no contested issues of fact. The answer shall be faced with the respondent’s cover sheet in the form set forth in Rule 205.2(b) and shall be accompanied by a brief or memorandum of law as set forth in Local Rule 210 and a proposed order. All motions in which answers have been filed will be referred to the appropriate Judge for disposition. Oral argument will be held only if ordered by the Court.
- (6) *Unopposed Motions.* If an answer is not filed to the motion on or before the return day, the Court may treat the motion as uncontested, and grant the requested relief, if appropriate.
- (7) *Discovery.* The Court may order, either pursuant to a request in the motion or answer or on the Court’s own initiative, that discovery be taken on issues of fact raised by the motion and answer. The Court may provide for the filing of supplemental briefs after the conclusion of such discovery.

Comments:

1. See Local Rule 4019*.2 for additional provisions relating to discovery motions.

2. Rule 208.1(b)(1)(iv) specifically excludes motions to exclude expert testimony pursuant to Rule 207.1 and motions in limine from the above process. These motions are filed with the Prothonotary and referred to the trial judge, upon assignment of trial.

3. Requests for leave to withdraw an appearance in family court actions pursuant to Rule 1012 and requests under Local Rule 229(a)*(1) are considered “motions” that are subject to this Rule.

4. Motions relating to discovery in family law actions—excluded from the above process by Rule 208.1(b)(2)(iv)—are governed by Local Rule 4019*.1—Family Discovery Hearing Officer.

Editor’s note: Revised April 14, 2004, effective July 26, 2004; amended August 16, 2004, effective upon publication on the website of the Administrative Office of Pennsylvania Courts (www.ujportal.pacourts.us); amended November 4, 2004, effective upon publication on the website of the Administrative Office of Pennsylvania Courts (www.ujportal.pacourts.us). Amended December 9, 2015, effective upon publication on the UJS Portal; amended May 15, 2019, effective on July 1, 2019; amended March 10, 2020, effective on April 13, 2020; rescinded and replaced September 12, 2023, effective 30 days after publication in the *Pennsylvania Bulletin*.

Rule 208.4. *Disposition of Motions. [Rescinded]*

Editor’s note: Rescinded August 16, 2004, effective upon publication on the web site of the Administrative Office of Pennsylvania Courts (www.ujportal.pacourts.us).

Rule 210. *Briefs*

- (1) Form. Briefs or memoranda of law shall be typewritten, printed or otherwise duplicated, and endorsed with the name of the case, the court term and number, and the name, address, and electronic mail address of the attorney or the party if not represented by an attorney. Briefs and memoranda of law shall contain concise and summary statements, separately and distinctly titled, or the following items in the order listed:
 - (a) Matter before the Court: State the particular pleading (motion, petition, objection, exception, application, etc.) before the court for disposition, and the particular relief requested therein.
 - (b) Statement of question(s) involved: State the issue(s) in question form containing factual context sufficient to present the precise matter to be decided by the Court, each susceptible of a yes or no answer, each followed by the answer desired or advocated.
 - (c) Facts: State the operative facts.
 - (d) Argument: State the reason(s) why the court should answer the questions involved as proposed, including citation of the authorities relied on. An authority shall not be cited for general reference but in all cases shall be immediately preceded or followed by its relevant holding or particular proposition for which it stands.

- (e) Relief: State the specific action(s) requested of the court.

Comment: The forms referenced in this rule are available online at www.montcopa.org/courts

Editor's note: Adopted August 7, 2012, effective upon publication on the Pennsylvania Judiciary's Web Application Portal.

Rule 212.1* ***Civil Actions to be Tried by Jury. Civil Actions to be Tried Non-Jury. Equity Actions. Notice of Earliest Trial Date. Time for Filing Pre-Trial Statements.***

- (a)* The Court hereby extends Pa.R.C.P. 212.1 and 212.2 to apply to civil actions to be tried non-jury, and to equity actions. The notice of scheduling for Pre-Trial Conference, generated by the Court Administrator's Office at least 50 days prior to said conference date, shall serve as notice of the earliest trial date required by Pa.R.C.P. 212.1(a).
- (b)* All pre-trial statements are to be filed in the Prothonotary's Office, and a hard copy provided to the Pre-Trial Conference Judge's Chambers, not later than 7 days prior to the Pre-Trial Conference date.

Comment: Pursuant to Pa.R.C.P. 212.1(c)(2), Montgomery County has altered the times set for the filing of pre-trial statements as set forth in Pa.R.C.P. 212.1(b). This Rule applies to matters that are certified for trial pursuant to Local Rule of Civil Procedure 212.1*(d).

Editor's note: Adopted May 11, 1998, effective June 29, 1998; amended July 21, 2010, effective 30 days after publication in the *Pennsylvania Bulletin*.

Rule 212.1*(d). *Certification Required for Trial List.*

- (1) When a case is ready to be placed into the civil trial inventory, counsel must file a trial praecipe containing a certification by filing counsel that all counsel of record consent to the filing of the trial praecipe. Consent must be affirmatively obtained, but the signatures of all counsel are no longer required on the trial praecipe. The consent of unrepresented parties to the filing of the trial praecipe is not required. If all parties to an action are unrepresented, however, any such party may file a trial praecipe.
- (2) Certification shall state that no motions are outstanding and that all discovery has been completed.
- (3) No discovery shall be permitted after certification unless by agreement of counsel or permission of Court.
- (4) If any attorney refuses to join in certification of the case, counsel who wishes the case listed shall request a conference with the

designated Judge, and give five days' notice of that appointment to other counsel. Thereafter the Judge shall rule on whether the case is ready for listing and may order the case listed on motion of counsel if in the opinion of the Court the case is ready for certification.

Comment:

1. The trial praecipe form referenced in this rule is available on line at www.montcopa.org/prothy/forms.html.

President Judge's note: Local Rule 212.1*(c) Conferences – Members of the Bar are advised that the Board of Judges has agreed to discontinue the practice of ordering cases on the civil trial list where discovery has not been completed, and allowing for discovery to be ongoing. Delays in completing discovery may be addressed through traditional available mechanisms; court orders, with sanctions for failure to comply. — President Judge Joseph A. Smyth, February 1998.

Editor's note: Adopted May 11, 1998, effective June 29, 1998. Amended March 15, 1999, effective 30 days after publication in the *Pennsylvania Bulletin*; amended November 4, 2004, effective 30 days after publication in the *Pennsylvania Bulletin*.

Rule 212.2(a)(7)*. *Pre-Trial Statement. Content.*

Pursuant to Pa.R.C.P. 212.2(a)(7), the pre-trial statement shall include the following additional information:

- (i) the estimated length of trial;
- (ii) any scheduling problems;
- (iii) any special evidentiary issues;
- (iv) a realistic settlement offer or demand.

Editor's note: Adopted May 11, 1998, effective June 29, 1998.

Rule 223*. *Custody and Storage of Trial Exhibits.* [Rescinded.]

Editor's note: Adopted January 13, 2003, effective 30 days after publication in the *Pennsylvania Bulletin*; rescinded March 7, 2024, effective on April 1, 2024.

Rule 225*(a)*(b). *Summing Up, Sequence of Speeches.*

- *(a) The defendant's attorney may make an opening speech either immediately following the opening speech of plaintiff's attorney or at the opening of the defendant's case.
- *(b) The attorney for the party having the burden of proof shall first sum up. The attorney for each adverse party or group of parties may then address the jury and the attorney who commenced the final summations may conclude, restricting himself or herself to answering the arguments advanced.

Editor's note: Amended March 15, 1999, effective 30 days after publication in the *Pennsylvania Bulletin*.

Rule *229(a)*(1). *Discontinuances, Divorce Cases.*

*(1) In divorce cases a discontinuance shall be entered only by leave of Court after notice to the defendant, and correspondent, if any be named.

Rule 230.2.* *Termination of Inactive Cases.*
[Rescinded.]

Editor's note: Adopted November 19, 2012, effective 30 days after publication in the *Pennsylvania Bulletin*. Amended April 10, 2014. Effective 30 days after publication in the *Pennsylvania Bulletin*; rescinded October 16, 2017, effective immediately.

Rule *262. *General Trial List.*

Cases shall be placed on the general civil trial list only upon receipt of a praecipe for civil trial list certifying readiness for trial or upon order of the Court.

Editor's note: Rule *262 amended November 5, 1984, effective January 2, 1985. Rule *262(b) rescinded March 15, 1999, effective 30 days after publication in the *Pennsylvania Bulletin*.

Rule *301. *Argument Court—Interlocutory Matters.*
[Rescinded]

Editor's note: Rescinded April 14, 2004, effective July 26, 2004.

Rule *302. *Argument Court—Appealable Matters.*
[Rescinded]

Editor's note: Rescinded April 14, 2004, effective July 26, 2004.

Rule *303. *Argument Court Forms. [Rescinded]*

Editor's note: Rescinded April 14, 2004, effective July 26, 2004.

Rule 400.1(b)(1)* *Person to Make Service.*

With respect to all actions filed in Montgomery County, Pennsylvania, original process shall be served within the Commonwealth:

- (i) by the sheriff or a competent adult in the actions in equity, partition, prevent waste and declaratory judgement when declaratory relief is the only relief sought, and
- (ii) by the sheriff in all other actions.

Editor's note: Adopted August 4, 1999, effective 30 days after publication in the *Pennsylvania Bulletin*.

Rule *406. *Termination of Inactive Cases.*
[Rescinded]

Editor's note: Rescinded April 14, 2004, effective July 26, 2004.

Rule 430(b)(1)*. *Legal Periodical—Notice, Service,*
Publication.

- (i) The *Montgomery County Law Reporter* is and shall be the legal periodical for the publication of all notices.
- (ii) One copy of each issue shall be deposited by the publication in the Office of the Prothonotary and one in the Law Library of Montgomery County for public reference.
- (iii) Except as otherwise provided by acts of assembly, rule or special order of Court, service by publication shall be made by publication once in the *Montgomery County Law Reporter*, and in one daily or weekly newspaper of general circulation within the county, and in such manner that the person so served shall have at least five days after publication thereof to act thereon.

Editor's note: Adopted March 15, 1999, effective 30 days after publication in the *Pennsylvania Bulletin*.

Rule *902. *Security for Costs.*

In cases where proceedings in bankruptcy or insolvency are pending against the plaintiff, the defendant, on filing an answer in actions in which an answer is required, and in other actions on filing of an affidavit of a just defense to the whole of plaintiff's demand, may enter a rule for security of costs. A garnishee in attachment execution may, in like cases, enter a rule for security for garnishee's costs, after interrogatories and before answers are filed. In default of security entered at the time fixed by the Court, judgment of non pros may be entered by the Prothonotary in favor of the defendant, or the attachment quashed in cases of attachment execution.

Editor's note: Amended March 25, 1999, effective 30 days after publication in the *Pennsylvania Bulletin*.

Rule *903. *Bill of Costs.*

- (a) *Affidavit.* The affidavit of the party or other person to the correctness of the bill and the attendance and materiality of the witnesses shall be annexed, and shall be prima facie evidence to the taxing officer.

- (b) *Taxation.* Bills of costs shall be taxed, in the first instance, by the Prothonotary upon application of the party entitled to execution, subject to exceptions, which exceptions shall be filed on or before the return day of the execution. A re-taxation shall then be had before the Prothonotary upon 10 days' notice thereof to both parties, from which either party may appeal to the Court within five days thereafter, provided that the appellant shall, within three days after appeal is entered, file a specification of the items to which appellant objects and the grounds of all objections; otherwise, the appeal will be dismissed. No exceptions or appeal shall operate to stay execution or prevent the collection of the debt or costs; but when collected on execution or paid into Court, the costs excepted to will be retained until the question is decided.

Editor's note: Rule *903 amended November 5, 1984, effective January 2, 1985. Amended March 15, 1999, effective 30 days after publication in the *Pennsylvania Bulletin*.

Rule *910. *Satisfaction of Judgment.*

Whenever the Prothonotary is requested to mark any judgment satisfied, whether by praecipe or otherwise, the person making or filing the request shall first satisfy the Prothonotary by affidavit, and, if required by the Prothonotary, by additional proof that said person is the owner of the judgment to be marked satisfied or has fulfilled the requirements of Pa.R.C.P. 205.1. No judgment shall be satisfied by or on the order of any attorney-at-law unless such attorney shall have first entered an appearance for the plaintiff.

Editor's note: Rule *910 amended November 5, 1984, effective January 2, 1985; amended March 15, 1999, effective 30 days after publication in the *Pennsylvania Bulletin*.

Rule *920. *Board of Assessment Appeals.*
[Rescinded.]

Rule *920. *Board of Assessment Appeals.*

- (a) The Pennsylvania Rules of Civil Procedure shall be applicable to all appeals to the Court of Common Pleas from a real estate assessment or other appealable decision by the Board of Assessment Appeals ("the Board"). Nothing in this rule shall be construed to limit discovery as permitted under the Pennsylvania Rules of Civil Procedure.
- (b) The petition for appeal shall have the parcel number(s) of the subject property in the caption and shall have attached to it a photocopy of the appealed from order of the said Board and shall have attached to it a proposed preliminary decree which shall provide:

- (1) that the appeal to Court is permitted and said case is to proceed in conformity with the Pennsylvania Rules of Civil Procedure;
 - (2) that within five (5) days from the date of the preliminary decree, appellant shall serve a copy of the petition and preliminary decree upon the said Board, upon the Board of County Commissioners of Montgomery County, the governing body of the municipality and the Board of School Directors of the school district in which the real estate is situated and their Solicitors, and upon the property owner, if the property owner is not the appellant;
 - (3) that the taxing authorities of the aforesaid and the property owner, if the property owner is not the appellant, be and are hereby entitled to intervene as parties appellee.
- (c) Appellant, within sixty (60) days of filing the appeal, shall provide to appellee and intervening parties a copy of appellant's appraisal report (which need not be the trial report) with copies of income and expense statements and rent rolls (if applicable) for the last three (3) years. In cases where a taxing authority is the appellant, the appraisal report must be provided to appellee and intervening parties within sixty (60) days of appellant's receipt of discovery requested of the taxpayer, including but not limited to inspection of the subject property provided that the taxing authorities forwarded their discovery requests to the taxpayer within thirty (30) days of filing their appeal. Where exemption is the sole issue, this paragraph is not applicable.
- (d) Approximately sixty (60) days after the filing of the appeal, the Court Administrator shall issue a Case Management Order setting a deadline of approximately twelve (12) months from commencement for the close of discovery, including exchanges of appraisal reports by testifying experts, and a deadline of approximately thirteen (13) months from commencement for the filing of dispositive motions. The Order shall provide that the action shall be added to the Court's Civil Trial Inventory promptly after the deadline for filing dispositive motions if no timely dispositive motion is filed or promptly after the determination of all timely filed dispositive motions. Parties may obtain an earlier listing for trial by filing a praecipe under Local Rule 212.1*(d).
- (e) Prior to the issuance of a Case Management Order, the parties may file a Stipulation, subject to approval of the Court, for entry of a Case Management Order that sets deadlines earlier than the standard Order that would issue under paragraph (d) above. After the issuance of a Case Management Order, the parties may file a

Stipulation, subject to approval of the Court, that advances any or all of the deadlines in the Case Management Order to earlier dates. A Stipulation that purports to extend any deadlines in a Case Management Order shall not be filed and, if filed, shall be of no force or effect.

(f) ***Special Management Cases.***

- (1) If an appeal is unusually complex or presents circumstances that would make it impractical to comply with the standard deadlines, any party may file a Motion to Designate Case for Special Management. Such Motions are not favored and will be granted only upon a compelling showing of need. Circumstances that may support such a Motion include, but are not limited to, an unusually large number of parties; the need for an unusually broad or complex scope of discovery that cannot be completed by the standard deadline; complex legal issues that require specially phased discovery; and the need to stay a case pending the outcome of a related case. The Motion should be filed as soon as it becomes apparent that special management is required and need not await the issuance of a standard Case Management Order. Undue delay in filing a Motion may be grounds in itself for denial of the Motion.
 - (2) Any other party may file a response within fifteen (15) days of the filing of the Motion.
 - (3) If the Motion is granted, the case shall be referred to a Civil Case Management Hearing Officer, who shall promptly convene a conference with counsel and thereafter submit to the Court a recommendation on a Case Management Order tailored to the particular needs of the case. Upon reviewing the recommendation, the Court will then issue a Case Management Order, which will supersede any standard Case Management Order previously issued by the Court Administrator.
- (g) Any extension of a deadline set forth in a Case Management Order under this Rule (or an Order under Local Rule 212.1*(d)(4)) may be obtained only through a Motion for Extraordinary Relief. The Motion shall set forth the reasons for the requested relief and the reasons that the current deadlines cannot be met despite diligent effort. Any party opposing the Motion shall have fifteen (15) days in which to respond, after which time the Court will enter an appropriate order.

- (h) For purposes of transition to the current version of this Rule, the Court Administrator shall issue Case Management Orders as appropriate for cases pending when the current version of this Rule becomes effective. Nothing in this Rule shall affect any Case Management Order in effect as of the effective date of the current version of this Rule.

Editor's note: Amended November 5, 1984, effective January 2, 1985; further amended September 21, 1992, effective October 15, 1992; and October 26, 1995; amended November 4, 2004, effective 30 days after publication in the *Pennsylvania Bulletin*; rescinded and replaced September 12, 2023, effective 30 days after publication in the *Pennsylvania Bulletin*.

Rule *953. *Eminent Domain.*

- (a) *Service of Copy of Petition and Order upon Adverse Parties.* A copy of any petition for the appointment of viewers and of any order appointing a Board of View shall be served promptly upon the adverse party in the same manner as a complaint in assumpsit or by certified or registered mail. An affidavit of service of said copy shall be filed with the Prothonotary.
- (b) *Service of Copy of Petition and Order, etc., upon Board of View.* Upon appointment of a Board of View, the petitioner shall forthwith deliver to the chairman of the Board:
- (1) A copy of the affidavit of service required by Rule *953(a).
 - (2) A copy of the petition and order of appointment which petitioner shall certify is true and correct.
 - (3) Detailed directions to the condemned property.

Editor's note: Rule *953 amended November 5, 1984, effective January 2, 1985. Former rule *953(a) rescinded March 15, 1999, effective 30 days after publication in the *Pennsylvania Bulletin*.

Rule 1012*. *Entry and Withdrawal of Appearance.*

- (a) Every initial pleading or legal paper filed with the Prothonotary or the Domestic Relations Office by an attorney should be accompanied by a written entry of appearance. This written appearance will facilitate proper notification being given to all counsel of record of pending matters listed by the Court Administrator. In the event an initial pleading or legal paper, including an initial responsive pleading or legal paper, filed by an attorney is not accompanied by a written entry of appearance, the Prothonotary or the Domestic Relations Office shall enter the name of said attorney as counsel of record for the party on whose behalf the pleading or legal paper is being filed. A written withdrawal of appearance shall

be required when counsel is removing himself or herself from an action.

- (b) No attorney shall represent the interest of a party to any civil action in the Court or before a Domestic Relations Hearing Officer, or special Hearing Officer or Conciliator appointed by the Court unless or until the attorney files a written entry of appearance, or until said attorney's name appears of record on the docket per section (a) above.
- (c) Whenever any attorney changes his or her address, it SHALL be the duty of said attorney to notify immediately the Court Administrator of Montgomery County in writing of such change.

Editor's note: Rule 1012* amended November 5, 1984, effective January 2, 1985; further amended May 13, 1985, effective July 8, 1985; further amended March 2, 1987, effective May 1, 1987. Amended March 15, 1999, effective 30 days after publication in the *Pennsylvania Bulletin*; amended October 7, 2008, effective 30 days after publication in the *Pennsylvania Bulletin*; amended March 29, 2021, effective 30 days after publication in the *Pennsylvania Bulletin*.

Rule 1018.1*. Notice To Defend—Office to be Contacted.

As provided by Pennsylvania Rule of Civil Procedure 1018.1, the following office is designated to be named in the Notice to Defend prescribed by that rule as the office from which information about hiring a lawyer can be obtained.

Lawyer Reference Service
100 West Airy Street (Rear)
Norristown, Pennsylvania 19404-0268
(610) 279-9660, Extension 201

Rule 1028(c). Preliminary Objections

- (1) *Filing.* All preliminary objections shall be filed:
 - (a) in accordance with Pa.R.C.P. 1028,
 - (b) along with:
 - (1) a cover sheet in the form set forth in Rule 205.2(b),
 - (2) a brief or memorandum of law, as set forth in Rule 210,
 - (3) a proposed order, and
 - (4) a certificate of service.
- (2) *Response.* The respondent shall file an answer to preliminary objections, if required:
 - (a) in accordance with Pa.R.C.P. 1028 and Pa.R.C.P. 1029,

- (b) within twenty (20) days of the service of the preliminary objections,
- (c) along with:
 - (1) a cover sheet in the form set forth in Rule 205.2(b),
 - (2) a brief or memorandum of law, as set forth in Rule 210,
 - (3) a proposed order, and
 - (4) a certificate of service.
- (3) *Disposition*. Forty-five (45) days from the filing of preliminary objections, the matter shall be referred to a Judge for disposition. If discovery was requested by either party on their respective cover sheets, said discovery shall be concluded within forty-five (45) days from the filing of preliminary objections. If oral argument was requested by either party on their respective cover sheets, the matter may be scheduled for argument. If discovery or oral argument was not requested by either party, the Judge may direct the scheduling of discovery or oral argument, or may decide the matter upon the filings.
- (4) *Timely Filed Briefs*. If the brief of either party is not timely filed, either in accordance with this Rule or by order of the Court, the Judge may:
 - (a) Dismiss the preliminary objections where the moving party has failed to comply,
 - (b) Grant the requested relief where the respondent has failed to comply, except that no civil action or proceeding shall be dismissed for failure to comply. Nothing precludes the assigned Judge from dismissing the matter on its merits,
 - (c) List the matter for argument, at which time only the complying party shall be heard; or
 - (d) Impose such other sanctions upon the non-complying party as the Judge shall deem proper.

Comments:

1. The form referenced in this rule is available online at www.montcopa.org/courts;

2. Preliminary Objections may not necessarily be heard by the pre-trial Judge assigned to the case. The Court anticipates implementing an expedited scheduling program for Preliminary Objections involving Senior Judges.

Editor's note: Amended August 7, 2012, effective upon publication on the Pennsylvania Judiciary's Web Application Portal. Amended October 19, 2015, effective January 1, 2016. Amended December 9, 2015, effective upon publication on the UJS Portal. Amended December 1, 2016, effective 30 days after publication in the *Pennsylvania Bulletin*.

Rule 1034(a). *Motion for Judgment on the Pleadings.*

- (1) *Filing.* After the relevant pleadings are closed, but within such time as not to unreasonably delay trial, any party may file a motion for judgment on the pleadings:
 - (a) in accordance with Pa.R.C.P. 1034,
 - (b) along with:
 - (1) a cover sheet in the form set forth in Rule 205.2(b),
 - (2) a brief or memorandum of law, as set forth in Rule 210,
 - (3) a proposed order, and
 - (4) a certificate of service
- (2) *Response.* An answer to a motion for judgment on the pleadings is required from the non-moving parties:
 - (a) in accordance with Pa.R.C.P. 1034,
 - (b) within thirty (30) days of the service of the motion,
 - (c) along with:
 - (1) a cover sheet in the form set forth in Rule 205.2(b),
 - (2) a brief or memorandum of law, as set forth in Rule 210,
 - (3) a proposed order, and
 - (4) a certificate of service
- (3) *Disposition.* Forty-five (45) days from the filing of the motion for judgment on the pleadings, the matter shall be referred to a Judge for disposition. If oral argument was requested by either party on their respective cover sheets, the matter may be scheduled for argument. If oral argument was not requested by either party, the Judge may direct the scheduling of oral argument, or may decide the matter upon the filings.
- (4) *Timely Filed Briefs.* If the brief of either party is not timely filed, either in accordance with this Rule or by order of the Court, the assigned Judge may:
 - (a) Dismiss the motion where the moving party has failed to comply,
 - (b) Grant the requested relief where the respondent has failed to comply, except that no civil action or proceeding shall be dismissed for failure to comply. Nothing precludes the assigned Judge from dismissing the matter on its merits,
 - (c) List the matter for argument, at which time only the complying party shall be heard; or

- (d) Impose such other sanctions upon the non-complying party as the Judge shall deem proper.

Comments:

1 The form referenced in this rule is available online at www.montcopa.org/courts;

2 Motions for Judgment on the Pleadings may not necessarily be heard by the pre-trial Judge assigned to the case. The Court anticipates implementing an expedited scheduling program for Motions for Judgment on the Pleadings involving Senior Judges.

Editor's note: Amended August 7, 2012, effective upon publication on the Pennsylvania Judiciary's Web Application Portal. Amended October 19, 2015, effective January 1, 2016. Amended December 9, 2015, effective upon publication on the UJS Portal. Amended December 1, 2016, effective 30 days after publication in the *Pennsylvania Bulletin*.

Rule 1035.2(a) *Motion for Summary Judgment.*

- (1) *Filing.* After the relevant pleadings are closed, and prior to the filing of a trial Praecipe, but within such time as not to unreasonably delay trial, any party may file a motion for summary judgment:
- (a) in accordance with Pa.R.C.P. 1035.2,
 - (b) along with:
 - (1) a cover sheet in the form set forth in Rule 205.2(b),
 - (2) a brief or memorandum of law, as set forth in Rule 210,
 - (3) a proposed order, and
 - (4) a certificate of service.
- (2) *Response.* An answer to a motion for summary judgment is required from the adverse parties:
- (a) in accordance with Pa.R.C.P. 1035.3,
 - (b) within thirty (30) days of the service of the motion,
 - (c) along with:
 - (1) a cover sheet in the form set forth in Rule 205.2(b),
 - (2) a brief or memorandum of law, as set forth in Rule 210,
 - (3) a proposed order, and
 - (4) a certificate of service.
- (3) *Disposition.* Forty-five (45) days from the filing of the motion for summary judgment, the matter shall be referred to a Judge for disposition, unless the underlying case has already been praeciped for trial or ordered on the trial list, in which case the motion will be assigned to the trial judge for disposition. If discovery was requested by either party on their respective cover sheets, said discovery shall be concluded within forty-five (45) days from the

filing of the motion. If oral argument was requested by either party on their respective cover sheets, the matter may be scheduled for argument. If oral argument was not requested by either party, the Judge may direct the scheduling of oral argument, or may decide the matter upon the filings.

- (4) *Timely Filed Briefs.* If the brief of either party is not timely filed, either in accordance with this Rule or by order of the Court, the assigned Judge may:
- (a) Dismiss the motion where the moving party has failed to comply,
 - (b) Grant the requested relief where the respondent has failed to comply, except that no civil action or proceeding shall be dismissed for failure to comply. Nothing precludes the assigned Judge from dismissing the matter on its merits,
 - (c) List the matter for argument, at which time only the complying party shall be heard; or
 - (d) Impose such other sanctions upon the non-complying party as the Judge shall deem proper.

Comment: the form referenced in this rule is available online at www.montcopa.org/courts.

Editor's note: Amended August 7, 2012, effective upon publication on the Pennsylvania Judiciary's Web Application Portal. Amended October 19, 2015, effective January 1, 2016. Amended December 9, 2015, effective upon publication on the UJS Portal. Amended December 1, 2016, effective 30 days after publication in the *Pennsylvania Bulletin*.

Rule 1041.1*. *Asbestos Litigation—Special Provisions.*

Asbestos litigation in Montgomery County is governed by the Pennsylvania Rules of Civil Procedure and the Montgomery County Local Rules of Civil Procedure, except as follows:

- (a) Local Rule *262 (relating to trial lists) shall not apply. Settlement conferences are scheduled and cases are listed for trial by Order of Court.
- (b) In addition to the requirements of the Pennsylvania Rules of Civil Procedure and Local Rules 205.2(b) through 208.3 inclusive, 1028(c), 1034(a) and 1035.2(a), copies of motions, petitions, responses thereto, and briefs, shall be served upon the appointed judicial officer assigned to asbestos litigation. The filing of an argument praecipe shall have the effect of commencing the briefing schedule but not of listing the case for argument, which shall be

done by the Court with the assistance of the appointed judicial officer assigned to asbestos litigation.

- (c) Local Rule 4019* pertaining to discovery masters shall not apply. When a discovery motion is at issue as provided in Local Rule 4019*, counsel shall notify the appointed judicial officer assigned to asbestos litigation, who shall arrange for disposition of the matter by the Court.
- (d) Arguments, hearings, and trials are ordinarily listed only before the Judge assigned to the asbestos litigation.
- (e) The following procedure shall be in effect with respect to cases subject, or alleged to be subject to *Simmons v. Pacor, Inc.*, 543 Pa. 664, 674 A.2d 232 (1996):
 - (1) Within four months of the effective date of this subsection with respect to asbestos cases pending on the effective date, and within four months after the filing of each asbestos case filed after the effective date of this Rule, plaintiff in each such case shall either elect to pursue a claim for medical monitoring, or transfer the case to inactive status.
 - (2) A plaintiff desiring to pursue a claim for medical monitoring shall, by letter, notify the appointed judicial officer assigned to asbestos litigation, with copies to all other counsel. The appointed judicial officer assigned to asbestos litigation shall consult with the Court, which will issue appropriate Orders scheduling a conference, and thereafter list the case for arbitration or trial, as appropriate.
 - (3) With respect to cases in which plaintiff does not presently wish to pursue a claim for medical monitoring plaintiff shall file with the Prothonotary, and serve on all other counsel and on the appointed judicial officer assigned to asbestos litigation, a praecipe to transfer to inactive status. The praecipe shall be in the following form:

<p style="text-align: center;"><i>See Forms Index</i></p>

- (4) Anytime after the expiration of four months from the effective date of this subsection with respect to asbestos cases pending on that date, and anytime after four months from the commencement of any action commenced after the effective date of this subsection, any defendant who asserts that any case should be transferred to inactive status because it falls within the rule of *Simmons v. Pacor, Inc.*, supra., shall file

with the Prothonotary, a Motion to Transfer to Inactive Status. The Motion shall be in accordance with Pa.R.C.P. 208.1, et seq., and Montgomery County Local Rules of Civil Procedure 208.1, et seq., and 1041.1*(b). The argument court cover sheet shall request a rule return day in accordance with Montgomery County Local Rule of Civil Procedure 208.3(b) (1). Copies of the motion shall be served on all other counsel in accordance with Montgomery County local rules and practice, and shall also be served on the appointed judicial officer assigned to asbestos litigation. The moving party's proposed order shall be in the following form:

See Forms Index

Responses shall be filed at or before the time the rule is returnable, and shall be served on all counsel and on the appointed judicial officer assigned to asbestos litigation.

- (5) Upon receipt of any responses, the appointed judicial officer assigned to asbestos litigation shall refer the petition to the Court, which will schedule the matter for argument or hearing as appropriate. If no responses are filed the Court Administrator will forward the Petition to the Signing Judge.
- (6) After a case has been transferred to inactive status, whether by praecipe or by petition and order, the Prothonotary will maintain the case as an inactive file, the appointed judicial officer assigned to asbestos litigation will remove the case from the list of pending cases eligible for trial listing, and no party may take any action with respect to the case, except for the taking of depositions of an aged or infirm witness for purposes of preservation of testimony unless and until the Court, by Order shall direct that the case be retransferred to active status, upon petition and rule filed in accordance with the procedure set forth in subparagraph (4) above.

Comments:

1. The Honorable William J. Furber, Jr., is the Administrative Judge for Asbestos Litigation.

2. By Orders dated April 12, 1982 and January 27, 2005, the appointed judicial officer assigned to asbestos litigation is: Donald J. Martin, Esq., 22 West Airy St., Norristown, PA 19401-4769, Telephone: (610) 277-6772, Fax: (610) 277-4993.

3. The Orders scheduling cases for trial and settlement conferences ordinarily contain deadlines, including deadlines for the completion of discovery and for filing certain motions. These are completion deadlines. It is not necessary for a scheduling order to issue for counsel to engage in earlier, appropriate, discovery and motion practice.

4. Except as stated in sub-paragraph D below, a discontinuance of an action as to less than all parties may not be entered without notice and an opportunity to respond to all other parties. This may be accomplished as follows:

A. If a stipulation is signed by counsel for all parties to the litigation, Pa.R.C.P. 229(b) does not require leave of court. The fully executed stipulation may be filed with the Prothonotary.

B. A motion for approval of discontinuance may be filed pursuant to Pa.R.C.P. 208.1 et seq., and Montgomery County Local Rules of Civil Procedure 208.2, et seq. A rule to show cause shall be requested on the cover sheet. The cover sheet should be followed by a form of order approving the discontinuance, by a petition, and by the original stipulation executed by counsel for plaintiff and counsel for the party against whom proceedings are being discontinued. Upon receipt of the return day from the Court Administrator counsel should serve all parties, and file with the Prothonotary a separate certification of service indicating service of the petition and the rule to show cause, noting the return day. If no answer is filed at or before the time the rule is made returnable, the petition will be forwarded by the Court Administrator to the Civil Signing Judge in accordance with the practice pertaining to any petition requiring a return day.

C. Stipulations for discontinuance signed by counsel for plaintiff and counsel for the party against whom proceedings are being discontinued may be presented to the Court at a scheduled settlement conference for the case in question. If no objection is raised at the conference, the Court normally approves the stipulation and returns it to counsel for filing and for service on all parties.

D. If a case has been settled by all parties from whom plaintiff seeks a recovery, a discontinuance may be entered as to any other parties by stipulation signed by counsel for plaintiff, the original of which shall be transmitted to the appointed judicial officer assigned to asbestos litigation, with copies served on all other parties. The appointed judicial officer assigned to asbestos litigation shall transmit the stipulation to the appropriate judge for approval. Since parties who may have claims for contribution or indemnification have not been given the opportunity to object, such a stipulation is subject to being stricken on the petition of an interested party. Counsel may wish to proceed in accordance with subparagraph B, above, to minimize this risk.

5. Certificates of service shall indicate the name and address of counsel or the parties on which service has been made. A certificate of service "on all parties," or "on all counsel of record" without stating who they are, does not establish service on anyone.

6. At the time of the adoption of the addition of subparagraph (e) the Court was aware that litigation was pending in other jurisdictions relating to the manner in which claims for medical monitoring can be pursued, and if such claims can be pursued. The provisions of this subsection (e) creating a procedure to pursue medical monitoring claims does not express the Court's opinion on this issue. This Rule does not preclude any appropriate motion in any case.

Editor's note: Amended March 14, 2005, effective 30 days after publication in the *Pennsylvania Bulletin*.

**Rule 1041.1.2* *Diet Drug (Fen-Phen) Litigation—
Special Provisions***

- (a) In accordance with Pennsylvania Rule of Civil Procedure 1042.1, Pennsylvania Rule of Civil Procedure 1041.1(a) and (c) through (f) are applicable to actions to recover damages for injuries alleged to have been caused by the diet drugs known as “Fen-Phen.”
- (b) The diet drug litigation in Montgomery County is governed by the Pennsylvania Rules of Civil Procedure and the Montgomery County Local Rules of Civil Procedure, except as follows:
 - (1) The Local Rules governing certification and listing of cases for trial shall not apply. Settlement conferences are scheduled and cases are listed for trial by Order of Court.
 - (2) In addition to the requirements of the Pennsylvania Rules of Civil Procedure, and Local Rules 205.2(b) through 208.3 inclusive, 1028(c), 1034(a) and 1035.2(a), copies of motions, petitions, responses thereto and briefs, shall be served upon the appointed judicial officer assigned to complex litigation. The filing of an argument praecipe shall have the effect of commencing the briefing schedule but not of listing the case for argument, which shall be done by the Court with the assistance of the appointed judicial officer assigned to complex litigation.
 - (3) Local Rule 4019 pertaining to discovery masters shall not apply. When a discovery motion is at issue as provided by Local Rule 4019, counsel shall notify the appointed judicial officer assigned to complex litigation, who shall arrange for disposition of the matter by the Court or hear the motion and make recommendations to the Court, as the Court shall determine.
 - (4) Arguments are ordinarily listed only before the judge assigned to the diet drug litigation.
 - (5) The Court has established a master docket for use in this litigation, No. 04-00007. This docket is for Orders of general application to all the litigation or classes of cases within the litigation. It is not for the filing of motions of less than general application, and motions which have relevance to individual cases shall be filed under such individual case number, even if more than one case is involved. Upon the taking of an appeal by any party, if any Orders entered under the general number are relevant to the case on appeal, counsel shall, by

praecipe, file a copy of the relevant document in the individual file.

Comments:

1. The Honorable Arthur R. Tilson is the judge assigned to the diet drug litigation.

2. The appointed judicial officer assigned to complex litigation is Donald J. Martin, Esquire, 22 West Airy Street, Norristown, Pennsylvania 19401-4769. Telephone: (610) 277-6772. Fax: (610) 277-4993.

3. Orders scheduling cases for trial and settlement conferences will ordinarily contain deadlines, including deadlines for the completion of discovery and for filing certain motions. These are completion deadlines. It is not necessary for a scheduling Order to issue for counsel to engage in earlier, appropriate, discovery and motion practice.

Editor's note: Adopted March 14, 2005, effective 30 days after publication in the *Pennsylvania Bulletin*.

Rule 1066(b)*. *Form of Judgment, Writ of Possession.*

*(5) Upon entry of judgment for a plaintiff in any action brought under Pa.R.C.P. 1061(b)(4), the Court will order the Prothonotary to issue a writ of possession.

Arbitration

Rule 1301*. *Scope.*

- (a) Pursuant to §7361 of the Judicial Code, 42 Pa.C.S. §7361 and Pa.R.C.P. 1301, et seq., all civil suits and actions in the Court of Common Pleas where the amount in controversy, exclusive of interest and costs, is fifty thousand dollars (\$50,000) or less per plaintiff, excepting those involving title to real estate and equity cases, shall first be tried and decided by a Board of Arbitrators consisting of three members of the Bar of this Court who are in the active practice of law maintaining their principal office within Montgomery County.
- (b) Cases, other than those described in (a), may be referred to a Board of Arbitrators by agreement of reference signed by all parties or their counsel.
- (c) The determination of the amount in controversy shall be made at the time of the filing of a praecipe for arbitration or a praecipe for civil trial.

Editor's note: Amended November 5, 1984, effective January 2, 1985; further amended December 14, 1992, effective February 2, 1993; and March 8, 1995, effective May 1, 1995. Court Administrator's note rescinded March 15, 1999, effective 30 days after publication in the *Pennsylvania Bulletin*; amended October 2, 2006, effective 30 days after publication in the *Pennsylvania Bulletin*.

**Rule 1302*. *List of Arbitrators. Appointment to Board.
Oath.***

(a)

- (1) The Court shall appoint a person to act as Arbitration Administrator who shall serve at the discretion of the Court and under the supervision and jurisdiction of the Court.
- (2) Each active member of the bar of this Court who maintains his or her principal office within Montgomery County, shall file with the Arbitration Administrator information indicating whether said member is a sole practitioner, is a member of a firm or is associated with one or more lawyers. Upon any change in the member's status of practicing with or being associated with any other lawyers, said member shall immediately report such change to the Arbitration Administrator.
- (3) The Arbitration Administrator shall keep on file all papers pertaining to proceedings in arbitration cases until the same are concluded, shall keep the arbitration list up to date, shall prepare and furnish to the Prothonotary and keep up to date a list of the members of the bar qualified to act, which list shall be confidential.

The Arbitration Administrator shall send a letter to all members of the Montgomery Bar Association within 60 days after their admission to the bar of his or her right to accept an assignment of Arbitrator by sending, in writing, a statement of his or her intention to so act, which notice shall be directed to the Arbitration Administrator. The Arbitration Administrator shall advise the members of the bar that appointment as an Arbitrator shall have the same force and effect as a Court commitment.

(b)

- (1) Upon the filing of an arbitration praecipe containing a certification by filing counsel that all counsel consent to the filing of the praecipe, with notice to opposing counsel and any unrepresented parties, the Arbitration Administrator shall select the Board of Arbitrators, consisting of three members of the Bar of this Court from the list of attorneys qualified to serve as follows:
 - (a) The Arbitration Administrator shall select three attorneys from said list, two of whom shall have been admitted to the practice of law for at least eight years.

The attorney with the lowest “attorney identification number” shall serve as chairperson of the panel.

- (b) Upon the request of any party in writing filed within 10 days of the filing of the praecipe for arbitration with notice to opposing counsel, the Arbitration Administrator shall nominate five attorneys from said list, three of whom shall have been admitted to the practice of law for at least eight years. For each additional party with an adverse interest, the Arbitration Administrator shall nominate an additional attorney who has been admitted to the practice of law for at least eight years. Each party shall then have the right to strike one attorney so nominated by notifying the Arbitration Administrator in writing within 10 days of the date of mailing of the list of nominations by the Arbitration Administrator. The three remaining attorneys or the first three named on the list, if one or more strikes are not exercised, shall serve on the panel with the senior attorney to act as chairman.
- (c) In the event of the disqualification or failure to act of an appointed attorney, the Arbitration Administrator, in all cases in which the panel was selected under (a) above, shall appoint a similarly qualified and available attorney in his/her place. In all cases in which the panel was selected under (b) above, the Arbitration Administrator shall nominate three similarly qualified and available attorneys with an additional attorney for each additional party with an adverse interest provided that there is sufficient time in which to do so. Each party shall strike as above one attorney so nominated and the remaining attorney shall be appointed to the panel.
- (d) An adverse party may raise an objection as to whether the matter is arbitrable under these rules or as to the composition of the panel selected under (b) above by notifying the Arbitration Administrator in writing with notice to opposing counsel within 10 days of the filing of the praecipe or the mailing of notice of the composition of the panel. The Court shall decide such objection before the matter is heard by the Board on the merits.
- (e) If any counsel refuses to consent to the filing of the praecipe for arbitration, any party may request a conference before the designated Judge on the case in order to determine whether the case should be placed on the arbitration list and scheduled for hearing.

(f)

- (1) Each member of a Board of Arbitrators who has signed a report or dissents shall receive as compensation for his services in each case a fee of \$100. When more than one case arising out of the same transaction is heard at the same hearing or hearings, it shall be considered as one case insofar as compensation of the Arbitrators is concerned. In civil actions, where no appearance has been entered for the defendant and there is no contest, the compensation of each of the Arbitrators shall be in the sum of \$25 per case. However, the Administrator, in his discretion, may assign more than one such case to a particular Board. In cases requiring hearings of unusual duration or involving questions of unusual complexity, the Court, on petition of the members of the Board and for cause shown, may allow additional compensation. The Court may also, on petition of any party to a case, on cause shown and to prevent injustice, reduce the amount of such compensation or disallow compensation entirely. The members of a Board shall not be entitled to receive their fees until after filing a report with the Prothonotary. When the same is filed, the Prothonotary shall issue an order for payment of such fees which shall be immediately paid from county funds as in the case of all other county debts. In the event that a case shall be settled or withdrawn or otherwise terminated by or between the parties at least one full weekday before the date of the hearing, the Board members shall not be entitled to the aforesaid fee.

Comment:

1. The arbitration praecipe form referenced in this rule is available online at www.montcopa.org/prothy/forms.html.
2. If all parties to an action are unrepresented, any such party may file an arbitration praecipe.*Effective January 1, 1982, the compensation of Arbitrators shall be increased to \$100 and in the case of assessment of damages only to \$25 per case.

Editor's note: Rule 1302* amended November 5, 1984, effective January 2, 1985; further amended December 14, 1992, effective February 2, 1993. Amended March 15, 1999, effective 30 days after publication in the *Pennsylvania Bulletin*; amended November 4, 2004, effective 30 days after publication in the *Pennsylvania Bulletin*

Rule 1303. *Hearing. Notice.*

(a)

*(1) The Arbitration Administrator shall notify the Arbitrators and the parties or their counsel, in writing, at least 30 days before the hearing of the date, time and place of the hearing.

(1) The written notice required by subdivision (a)(1) shall include the following statement:

“This matter will be heard by a board of arbitrators at the time, date and place specified 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.”

(b)

*(1) The Arbitration Administrator shall have the power to grant continuances and all applications for continuance shall be submitted to him or her at least two working days prior to the date of the hearing.

*(c) If any member of the Board dies or becomes incapable of acting, or shall fail or refuse to perform his duties, after hearing but before a report shall be made, the case shall be decided and the report signed by the remaining members of the Board. If they cannot agree, they shall so notify the Arbitration Administrator, who shall then appoint a third member from the list of attorneys in the same manner as the original panel was selected to rehear and decide the case.

Editor's note: Rule 1303 amended November 5, 1984, effective January 2, 1985. Amended March 15, 1999, effective 30 days after publication in the *Pennsylvania Bulletin*; amended September 13, 2011, effective 30 days after publication in the *Pennsylvania Bulletin*.

Rule 1306*. *Award.*

(a)

(1) The Board of Arbitrators shall not consider the subject of damages for delay until after a decision has been reached on the merits and has been entered on the award form.

(2) After the amount of the award has been so entered, the Board shall make a determination as to damages for delay by accepting a sealed envelope containing a stipulation setting forth whether an offer was made in writing and if so, the amount as well as the date of the offer. If no such stipulation

is submitted by counsel, the Board shall, following announcement of the award, consider evidence from counsel relating to damages for delay.

Editor's note: Rule 1306* amended November 5, 1984, effective January 2, 1985.

Rule 1533*(i). *Notice by Assignees and Receivers.*

- (i) Assignees for the benefit of creditors and receivers shall, after they have entered security, give notice of their appointment to every creditor and party in interest of whom they have knowledge and shall also publish notice thereof once a week for three successive weeks.

Editor's note: Rule 1533*(a) amended November 5, 1984, effective January 2, 1985.

Rule 1534*. *Accounts of Fiduciaries—Notice.*

- (a) At least three weeks before the presentation of the account of any trustee, committee, guardian, assignee for the benefit of creditors, receiver or other fiduciary, notice of the filing thereof and of the petition for distribution shall be served upon all parties interested (including creditors and shareholders) whose whereabouts are known and except in the case of triennial accounts of trustees, committees and guardians, shall also be published in the Montgomery County Law Reporter and a newspaper of general circulation once a week for three successive weeks, unless publication is waived by the Court.
- (b) Said notice shall set forth that the account and petition for distribution have been filed in the Office of Prothonotary, and will be presented to the Court at a certain time for such action as the Court may deem expedient, and that the account may then be confirmed and distribution made of the fund, unless exceptions there-to be previously filed or cause shown to the contrary.
- (c) Proof of service of said notices and of said publication shall be submitted at the audit.
- (d) If no exceptions have been filed, the account may be confirmed absolutely upon such proof of service.
- (e) Similar notice must be given of petitions for the reconveyance of assigned estates.
- (f) The accountant shall file with the account a petition for distribution of the fund in form similar to that of petitions for distribution required by the Orphans' Court to be presented at the audit of accounts in that Court.

- (g) The petition for distribution shall contain also (1) a list of the names of creditors or claimants against the fund for distribution whose claims are believed by the accountant to be just; (2) a list of claims that are to be contested; (3) a list of claims that appear to the accountant to be justly entitled to a preference or lien upon the fund; (4) a list of claims for preference or lien that are disputed. In all cases, the amount of the claim shall be stated.
- (h) Schedule of Distribution. A proposed schedule of distribution may be attached to or filed with the account and after final confirmation, the Court may, on motion, decree distribution in conformance therewith. If no proposed schedule of distribution has been submitted with the account, or if a material change therein is proposed, no decree of distribution will be made by the Court until such notice has been given to the parties interested as the Court may order.
- (i) Exceptions to Accounts of Schedule of Distribution. Exceptions to an account or schedule of distribution shall be placed on the argument list.

Editor's note: Adopted March 15, 1999, effective 30 days after publication in the *Pennsylvania Bulletin*.

Rule 1568*(a). *Public Sale, Notice.*

- (a) Except as otherwise provided by act of assembly or special order of Court, notice of the time and place of the sale of a property at public auction by a Hearing Officer in partition shall be given by publication once a week for three successive weeks immediately preceding such sale in the legal periodical designated by Rule 430(b)(1)* and in one daily newspaper of general circulation, in each county where any part of the property lies, such publications to appear in all editions of such newspapers published on the days the same appears; by posting the property to be sold, and by the circulation of at least 50 handbills among those who may be known to be interested in buying the property and in the neighborhood in which it is situate. Whenever a property or properties so sold lie in different counties the first publication shall be made at least 60 days before the date of the sale.

Editor's note: Rule 1568*(a) amended November 5, 1984, effective January 2, 1985. Further amended December 9, 1996, Amended March 15, 1999, effective 30 days after publication in the *Pennsylvania Bulletin*; amended March 29, 2021, effective 30 days after publication in the *Pennsylvania Bulletin*.

Family Court Procedures

Rule *1854. *Cover Sheet Required.*

- (a) Whenever any Family Court action or petition is filed with the Prothonotary, the attorney shall attach a cover sheet to the documents with the file numbers of all previous Family Court cases filed in Montgomery County involving the same parties.
- (b) The cover sheet shall be substantially in the following form:

<i>See Forms Index</i>

Editor's note: Adopted April 22, 1991, effective May 1, 1991. Amended March 15, 1999, effective 30 days after publication in the *Pennsylvania Bulletin*; amended March 29, 2021, effective 30 days after publication in the *Pennsylvania Bulletin*.

Actions for Support

Rule 1910.10*. *Alternative Hearing Procedure.*

The Montgomery County Court of Common Pleas adopts the alternative hearing procedure of Pa.R.C.P. No. 1910.12.

Editor's note: Adopted May 26, 2016, effective July 18, 2016.

Rule 1910.11*. *Support Conciliation. [Rescinded.]*

Editor's note: Adopted November 27, 1995, effective January 1, 1996. Amended March 15, 1999, effective 30 days after publication in the *Pennsylvania Bulletin*. Rescinded May 26, 2016, effective July 18, 2016.

Rule 1910.12(c)*. *Motion to Designate Support Case as Complex.*

In accordance with Pa.R.C.P. 1910.12, if a party seeks to designate a support matter as complex, that party shall file a Motion to Designate Case as Complex in substantially the form as set forth on the Court's website.

Comments:

1 The form referenced in this rule is available online at www.montcopa.org/courts;

2 Examples of cases that may be deemed complex include, but are not limited to, the following: self-employment income, earning capacity, complex compensation/tax issues and cases that may require expert witnesses in order to arrive at a determination of income.

Editor's note: Adopted November 14, 2018, effective January 1, 2019.

Rule 1910.12(c)(3)*. *Scheduling/Discovery of Complex Support Matters Before Hearing Officer in Support.*

Upon the designation of a support matter as complex, the Hearing Officer in Support shall issue a discovery and scheduling order in substantially the form as set forth on the Court's website.

Comment: The form referenced in this rule is available online at www.montcopa.org/courts

Editor's note: Adopted November 14, 2018, effective January 1, 2019.

Rule 1910.12(f)*. *Exceptions to Recommendations of Hearing Officer in Support.*

If a party seeks to except to the Recommendations of the Hearing Officer in Support, that party shall file Exceptions in substantially the form as set forth on the Court's website.

The Court shall process Exceptions to Recommendations of the Hearing Officer in Support in accordance with its Order and Briefing Schedule in substantially the form as set forth on the Court's website.

Comment: The forms referenced in this rule are available online at www.montcopa.org/courts

Editor's note: Adopted November 14, 2018, effective January 1, 2019.

Rule 1915.3*. *Seminar for Separated and Divorced Parents.*

- (a) In an action for custody, partial custody or visitation, both parents shall attend an approved education seminar on the general responsibilities of separated and divorced parents.
- (b) Seminars shall be conducted by seminar providers as approved by the President Judge. Seminars shall be conducted in the Montgomery County Courthouse or at such other location as approved by the President Judge. Each parent will be responsible to register for a seminar and for payment of the seminar costs; however, the

costs may be waived by the Court for any party qualifying to proceed in forma pauperis.

- (c) Seminar attendance is not required in connection with any petition to modify custody where the parties have already attended the seminar within the past two (2) years.
- (d) A Certificate of Attendance shall be filed by the seminar provider with the Prothonotary's Office reflecting that attendance was fulfilled by the parent.
- (e) For good cause shown, the Court may waive the requirement of seminar attendance in a particular case.
- (f) Upon a party's failure to attend a required seminar, the Court may impose sanctions, including but not limited to a finding of contempt. A hearing on a custody petition shall not be delayed by a party's refusal or delay in completing the seminar.

Editor's note: Adopted October 25, 1993, effective January 3, 1994. Amended September 10, 1996, effective October 28, 1996; amended December 3, 2008, effective 30 days after publication in the *Pennsylvania Bulletin*.

Rule 1915.8(e)*. *Physical and Mental Examination of Persons.*

The court may assess and allocate the cost of the evaluation, the report and the fee of the expert to appear in court to testify upon a party or parties, upon the county (in whole or in part) or as otherwise permitted by law.

Editor's note: Promulgated March 18, 1991; amended September 21, 1992, effective December 1, 1992. Former rule rescinded and new rule 1915.8(e)* adopted March 15, 1999, effective 30 days after publication in the *Pennsylvania Bulletin*.

Rule 1915.11-1*. *Parenting Coordination.*

- (a) *Appointment of a Parenting Coordinator.*
 - (1) If the parties agree on the appointment of a Parenting Coordinator and/or if the Court deems one necessary, an appointment Order will be entered in accordance with Pa.R.C.P. 1915.22.
 - (2) Any person acting in the capacity of a Parenting Coordinator must be on the County roster.
 - (3) The roster of the Court's approved Parenting Coordinators shall be posted at www.montcopa.org/courts.

(b) *Approved Parenting Coordinators.*

An attorney or mental health professional seeking to be included on Montgomery County Court's roster of qualified individuals to serve as a Parenting Coordinator shall submit to Court Administration the following:

- (1) A letter addressed to the Administrative Judge of the Family Division.
- (2) The completed Affidavit in substantially the form set forth. The form referenced herein is available on-line at www.montcopa.org/courts.
- (3) An acknowledgment that he or she must accept at least one (1) pro bono assignment each calendar year. The minimum requirement may be adjusted periodically subject to a determination by the Administrative Judge.

(c) *Parenting Coordinator Recommendations.*

- (1) Parenting Coordinator shall file their Summary and Recommendations with the Prothonotary within two (2) days after the last communication with the parties on the issues in accordance with Pa.R.C.P. 1915.11-1(f)(2).
- (2) Parenting Coordinator shall specifically state the manner of service of their Summary and Recommendations to the parties.
- (3) Parenting Coordinator shall include the rationale for their Recommendations in the Summary and will also indicate if it requires the Court's immediate attention.
- (4) *Objections to Parenting Coordinator's Recommendation(s) and a request for a Record Hearing:*
 - a. A party objecting to the Recommendations must file with the Prothonotary an original of their Objections and a request for a Record Hearing before the Court within five (5) days of service of the Summary and Recommendations together with a Proof of Service upon all parties and the Parenting Coordinator.
 - b. The Objections and Petition shall be in substantially the form set forth. The form referenced herein is available on-line at www.montcopa.org/courts.
 - c. The Prothonotary shall promptly forward the Objections and Petition to the Court Administrator's Office.

- d. In the event Objections are filed, the Court shall schedule a timely proceeding.

(5) *Court Review of Parenting Coordinator's Recommendations.*

If no objections to the Parenting Coordinator's Recommendations are filed with the Prothonotary within five (5) days of service of the Summary and Recommendation, the Prothonotary shall forward the Summary and Recommendation to the Court Administrator's Office for the purpose of transmitting the same to the Family Court Judge assigned to the case for review of the Recommendation in accordance with Pa.R.C.P. 1915.11-1(f)(4).

(d) *Fees.*

Parties who request the appointment of a Parenting Coordinator, or who are identified by the Court as benefiting from the appointment of a Parenting Coordinator, shall pay the Parenting Coordinator as follows:

- (1) His or her hourly rate.
- (2) Any requirement for an initial retainer. The initial retainer shall not exceed the equivalent of five (5) hours at the Parenting Coordinator's hourly rate.
- (3) If a party has previously filed and been granted In Forma Pauperis (IFP) status by the Court, and continues to be eligible for IFP status, the Judge appointing the Parenting Coordinator shall waive the fees for the parenting coordination process.

(e) *Miscellaneous.*

- (1) A Parenting Coordinator shall not be required to make a Recommendation to the Court, at their discretion, on every disputed issue raised by the parties.
- (2) The appointing Judge may reject a Recommendation from a Parenting Coordinator without a proceeding, at their discretion, if the disputed issue exceeds the authority set forth in Pa.R.C.P. 1915.11-1.

Editor's note: Adopted October 2, 2019, effective 30 days after publication in the *Pennsylvania Bulletin*.