

Rule *51 *Citation, Categorization and Effect of Philadelphia Civil Rules.*

- (A) *Citation.* These rules shall be known as the Philadelphia Civil Rules, and may be cited as “Phila. Civ. R. ____.”
- (B) *Promulgation.* The Philadelphia Civil Rules shall include and be promulgated as follows:
- (1) *Local Rules of Court.* Local Rules of Court are promulgated by the Board of Judges of the Court of Common Pleas. Local Rules of Court may either implement, clarify or tailor statewide procedural rules to Philadelphia situations, in which case the rule will be indicated by an asterisk and numbered to comport with the corresponding state rule; or establish, implement and clarify various requirements and procedures related solely to Philadelphia practice, in which case the rule will be numbered consistent with the substance of the rule.
 - (2) *General Court Regulations.* General Court Regulations are formal instructions from the President Judge or an Administrative Judge of the Court of Common Pleas dealing with administrative procedures or otherwise supplementing and explaining Local Rules of Court or statewide procedural rules.
 - (3) *Administrative Regulations.* Administrative Regulations are instructions from the Court Administrator to all or a part of his staff. Administrative Regulations shall be as specific as possible, and shall, where feasible, explain (a) the reason the instruction is being issued, (b) the changes in current procedures which will be effectuated, and (c) how the new procedure will operate, identifying all parties involved and setting forth their responsibilities.
 - (4) *Bulletins.* Items of information and items of a temporal nature are called Bulletins. Weekly schedules, monthly statistics, temporary assignments, and announcements of all kinds will be classified as Bulletins. Bulletins will be issued by the President Judge, an Administrative Judge, or the Court Administrator.
- (C) *Construction and Effect.* All Philadelphia Civil Rules shall be construed liberally to insure that no one is denied justice. Whenever possible, such rules shall be construed as consistent with statewide procedural rules and with each other. Where conflicts arise, the order of priority shall be:
- (1) The Pennsylvania Rules of Civil Procedure;
 - (2) Local Rules of Court;
 - (3) General Court Regulations;
 - (4) Administrative Regulations; and
 - (5) Bulletins.
- (D) *Publication.* Local Rules of Court, General Court Regulations and Administrative Regulations which

govern or effect procedures to be followed by the Bar shall be given rule numbers at the time of their promulgation. Each Bulletin which governs or affects such procedures shall either (a) be given a rule number, in which event it will remain in effect until rescinded, (b) specify a period of time not longer than 60 days during which it will remain in effect or (c) be published in *The Legal Intelligencer* at least once every 60 days, or automatically cease to remain in effect. All rules shall be made available by the Office of the President Judge for publication and distribution. Publication and distribution of new numbered rules shall occur as soon as practicable following adoption of those rules by the Board of Judges. Rules concerning wholly internal procedures need not be numbered or published. A complete copy of all currently effective Philadelphia Civil Rules shall be maintained and made available for public inspection at the Office of the Civil Administration.

- (E) Cataloguing, distribution and maintenance of files of all local rules, administrative and general court regulations and all procedural orders and directives are the responsibility of the Office of the President Judge.
- (F) *Effective Date.* All numbered rules shall become effective on the date specified in the new rule, following publication in *The Legal Intelligencer*.

Note: Former Rule 1; originally General Court Regulation 71-1, adopted by The Board of Judges, July 8, 1971; Bulletin 72-159, July 6, 1972; further amended November 20, 1986, effective February 1, 1987.

Paragraph (D) has been amended to require numbering in accordance with Pa.R.C.P. 239 and to ensure that regulations will be included in the published rules.

Editor’s Note: Former Rule 1, amended November 20, 1986, effective February 1, 1987. Existing rule amended May 24, 2000, effective 30 days after publication in the *Pennsylvania Bulletin*.

Rule *76 *Attorneys as Notaries Public.*

Attorneys holding commissions as notaries public, or who are otherwise authorized to administer oaths, shall not take or attest the affidavit of any party represented by them, and all affidavits taken in violation of this rule will be treated as null.

Note: Former Rule 30; originally Star Rule *205.

Rule *105 *Approval of Sureties.*

- (A) Sureties required at the commencement of actions shall be approved by the Office of Judicial Records subject to review by the Court. Two auditors shall be appointed each year, who at least once a year and more often, if in the opinion of the auditors the same be necessary, shall make a separate written report concerning the advisability of accepting each corporation as surety. This report of the auditors shall be based upon a thorough accounting study and analysis of the financial statements which the corporation shall furnish to the

auditors. If in the opinion of the auditors an examination of any company at its home office is required, the auditors shall file a motion with the Court in which the application of the corporation was filed setting forth the reasons for the making of such examination, and requesting the Court's approval. A copy of such motion shall served upon the corporation, which shall have the right to file an answer to the motion of the auditors, and otherwise to be heard. No examination shall be made by the auditors at the home office of the applicant surety company without approval of the Court in which the application for approval was filed.

- (B) Qualifications of sureties for bail shall be governed by Rule 4007 of the Pennsylvania Rules of Criminal Procedure.

Note: Former Rule 46; originally Star Rules *918, *919 and *920.

Editor's Note: Amended May 20, 2004, effective July 26, 2004.

Rule *201 *Stipulations.*

- (A) Judicial approval of stipulations of counsel is not required except for stipulations relating to the following matters:

- (1) The settlement, discontinuance and ending of an action as to less than all defendants;
- (2) The return of money deposited with the Court;
- (3) The transfer of an action to another Court or jurisdiction;
- (4) Late joinder of additional defendants; and
- (5) Waiver of the requirements of a local rule.

- (B) Stipulations not requiring judicial approval shall be filed with the Office of Judicial Records. Service shall be made by the filing party upon all counsel and unrepresented parties.

- (C) Stipulations requiring Court approval in cases not assigned to the Non Jury Program, the Arbitration Program or the Arbitration Appeal Program shall be presented for approval to the Judicial Team Leader for that Program to which the case has been assigned. Stipulations requiring Court approval in the Non Jury, Arbitration or the Arbitration Appeal Programs shall be presented for approval to the Motion Court Judge. All Stipulations requiring Court approval shall be filed with the Office of Judicial Records and will be assigned to the appropriate Judge for approval.

Note: The amendments to this rule are made in contemplation of implementation of Electronic Filing as authorized by Pa.R.C.P. No. 205.4 and Philadelphia Civil Rule *205.4; the amendments will thus become effective on the implementation date announced by the Administrative Judge of the Trial Division as provided in Philadelphia Civil Rule *205.4(a)(1)(ii). Until that date, the parties must continue to include with their legal papers the required addressed stamped envelopes. The Court will not accept the pleadings or legal papers without the required envelopes.

Editor's Note: Amended May 24, 2000, effective 30 days after publication in the Pennsylvania Bulletin; amended November 15, 2007, effective on the date established in Philadelphia Civil Rule *205.4(a)(1)(ii).

Rule *204.1 *Pleadings and Other Legal Papers.* ***Format.***

- (a) In order to accommodate the filing of documents in an electronic format as authorized by Philadelphia Civil Rule *205.4, all "legal papers," as defined in Pa.R.C.P. No. 205.4(a)(2), must conform to the following requirements:
- (1) All files must be no larger than 5MB each. If an electronic file exceeds this limit, then it must be split into multiple files;
 - (2) All PDF pages must be 8 and 1/2 inches in size exactly. Other file sizes may be incompatible with electronic filing;
 - (3) Except as provided in Rule *205.2(b) Cover Sheet, Proposed Orders, and exhibits and attachments, all pages must be numbered consecutively in Arabic figures at the bottom: e.g. 1, 2, 3 etc. On the first page, the number may be suppressed and need not appear;
 - (4) No security, passwords or other restrictions may be placed on electronic files. If an electronic file contains passwords or other security devices, it will be rejected; and
 - (5) After an electronic file is created, it must not be modified in any way. If an electronic filing is modified, it may be incompatible with the electronic filing system and will be rejected.
- (b) In order to accommodate the scanning of legal papers presented in hard-copy format and saving in an electronic format as provided by Philadelphia Civil Rule *205.4(b)(1), in addition to the requirements of Pa.R.C.P. No. 204.1, all hard-copy "legal papers" must conform to the following requirements:
- (1) all legal papers must be printed on only one side of the paper;
 - (2) all orders must contain a 3-inch space from the top of the page for all electronic court stampings, filing notices, etc.;
 - (3) legal papers must not be stapled or permanently bound, but must be secured by binder clips or other fasteners which do not puncture or otherwise interfere with scanning;
 - (4) bar codes on any page of the legal paper interfere with scanning and must therefore be crossed out or otherwise redacted; and
 - (5) to avoid scanning errors, Exhibit separator pages must be used instead of Exhibit tabs.

Explanatory Note: The source of this rule is Administrative Docket No. 01-2008, issued by Administrative Judge D. Webster Keogh on July 16, 2008. Adopted by the Board of Judges on November 20, 2008; effective on January 5, 2009. Amended May 15, 2014, July 6, 2014 and September 19, 2022 effective October 31, 2022.

Editor's Note: Adopted December 1, 2008, effective January 5, 2009. Amended May 15, 2014, effective thirty (30) days after publication in the *Pennsylvania Bulletin*; amended September 20, 2022, effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

Rule *205.2(a) Pleadings. (Rescinded)

Note: Rule rescinded. Subject matter contained in Philadelphia Civil Rule *205.2(a)(5) and (6) is adopted as Philadelphia Civil Rule *1018. Subject matter contained in Philadelphia Civil Rule *205.2(a)(8) is adopted as Philadelphia Civil Rule *1021. All other provisions contained in this rule are covered by Pennsylvania Rules of Civil Procedure and are thus unnecessary.

Editor's Note: Rescinded November 15, 2007, effective January 7, 2008.

Rule *205.2(b) Cover Sheet.

(1) *Initial Pleading.* Any document commencing an action must have attached to it a Civil Cover Sheet, in a form provided by the Office of Judicial Records as approved and modified from time to time by the Administrative Judge or his/her designee. A Civil Cover Sheet must also be filed together with Objections to Sheriff's Determination of Title filed pursuant to Pa.R.C.P. 3201, et seq.

(i) *Failure to Attach Cover Sheet.* If the Civil Cover Sheet is not attached as required, the Office of Judicial Records shall accept the document for filing if it otherwise complies with all applicable state rules; provided, however, that the Office of Judicial Records shall endorse on the original pleading, and all file-stamped copies, the following: "The filing party shall submit a Civil Cover Sheet as required by Phila. Civ.R. *205.2(b) within 20 days or shall suffer appropriate sanctions." The file-stamped copies shall be returned to the filing party for service.

(ii) *Sanctions.* In the event the Civil Cover Sheet is not submitted as required, the Court may impose any authorized sanctions including non pros against the filing party. The Court may also impose any appropriate sanctions if the information set forth in the Civil Cover Sheet is determined to be false or misleading.

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(2) *Petitions or Motions.* A Petition/Motion Cover Sheet, in a form provided by the Court as approved and modified from time to time by the Administrative Judge or his/her designee, must be attached to all Petitions, Motions, Answers and Responses, except for Discovery Motions and Motions for Extraordinary Relief, and Responses thereto.

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Editor's Note: Former Rule 205.2 rescinded and replaced May 20, 2004, effective July 26, 2004.

Rule *205.4 Electronic Filing of Legal Papers Filed in the Civil Trial Division.

(a) Commencing at 9:00 AM on January 5, 2009, parties shall electronically file all "legal papers," as defined in Pa.R.C.P. No. 205.4(a)(2), with the Office of Judicial Records through the Civil Trial Division's Electronic Filing System as more specifically provided in Pennsylvania Rule of Civil Procedure No. 205.4 and Philadelphia Civil Rule *205.4.

Explanatory Note: The term "legal paper" as defined in Pa.R.C.P. No. 205.4(a)(2) encompasses all pleadings and other papers filed with the Office of Judicial Records—even if the legal papers are not adversarial in nature and do not require the non-filing party or parties to respond (such as Notices of Tax Liens).

Note: Electronic Filing will be implemented in 2008; however, the exact date is not known at this time. The Administrative Judge of the Trial Division will announce the implementation dates of discretionary and mandatory electronic filing by order issued as required by Pa.R.C.P. No. 239.

(b) (1) *Authorized Electronic Format of Legal Papers Electronically Filed.* All legal papers shall be filed in a portable document format ("pdf"). As authorized by Pa.R.C.P. No. 205.4 (b)(1), in the event any legal paper or exhibit is submitted to the Office of Judicial Records in a hard-copy format, the Office of Judicial Records shall convert and maintain such legal paper or exhibit to a portable document format, and the Office of Judicial Records shall return the hard-copy legal paper or exhibit to the filing party for retention as required by Pa.R.C.P. No. 205.4(b)(5).

(c) (2) *Website. Access to the Website.*

(i) *Website.* All legal papers shall be filed electronically through the Civil Trial Division's Electronic Filing System ("Electronic Filing System") which shall be accessible through the website of the First Judicial District of Pennsylvania, <http://courts.phila.gov>, or at such other website as may be designated from time to time.

(ii) *Access to the Website.* To obtain access to the Electronic Filing System, counsel and any unrepresented party must apply for and receive a User Name, Password, and Personal Identification Number ("PIN").

(d) *Payment of Filing Fees.*

(1) The Office of Judicial Records will accept for payment of all filing fees cash, checks and the following credit and debit cards: American Express, Discover, MasterCard, and Visa.

(2) The Office of Judicial Records will not accept advance deposit on account of future filing fees due to the difficulty in monitoring and accounting for such advance deposits.

(3) *Electronic Filing Fees and Costs.* As authorized by Act 81 of 2006, the Office of Judicial Records shall collect an electronic filing fee for each legal paper

or exhibit filed as established by the Office of Judicial Records with the approval of the President Judge of the Court of Common Pleas. In addition to such electronic filing fee, commencing on January 5, 2009, the Office of Judicial Records is authorized to charge the sum of \$1.00 per page for each page of a legal paper or exhibit which is filed in a hard copy format and which must be converted by the Office of Judicial Records to a portable document format. All fees collected pursuant to this rule shall be set aside by the Office of Judicial Records and remitted monthly to the First Judicial District's Procurement Unit. All such fees and costs collected will be used for the implementation and maintenance of the electronic filing system and additional development, enhancements and training.

(f) *Local Procedures.* As authorized by Pa.R.C.P. No. 205.4 (f), the following administrative procedures are adopted:

(1) *Signatures on Pleadings, Verifications, Documents and Other Legal Papers.* The electronic filing of legal papers utilizing the issued User Name, Password and PIN issued as provided by this rule and Pa.R.C.P. No. 205.4, constitutes the party's signature on electronic documents as provided by Pa.R.C.P. No. 1023.1 and, if the filing party is an attorney, constitutes a certification of authorization to file it as provided in Pa.R.C.P. No. 205.1. Additionally, the following provisions apply:

- (i) *Filing Party.* The legal paper must include a signature block, and the name of the filer under whose User Name, Password and PIN the legal paper is submitted must be preceded by a "/s/" and typed in the space where the signature would otherwise appear.
- (ii) *Client Verifications and Documents Executed by Clients or Other Persons.* The Verification required by Pa.R.C.P. Nos. 206.1 and 1024 and the signature page(s) of any document or legal paper executed by any party other than the filing party must be scanned and attached to the electronic filing in a portable document format at the time the legal paper is submitted.
- (iii) Documents requiring signatures of more than one party must be scanned and attached to the electronic filing in a portable document format at the time the legal paper is submitted.

Note: This subsection is designed to address issues which may arise regarding signatures on legal papers and documents. A filer's use of the User Name, Password and PIN issued through the EFS is the filer's "electronic signature." However, often, legal papers require that verifications be executed by non-filers and deficiencies in content and execution could be subject to preliminary objections. Moreover, many legal papers or documents require multiple signatures.

In order to avoid prejudicial delay, this section requires that the filing party scan such legal papers, documents or signature pages and attach them to the electronic filing at the time of submission.

- (2) Upon receipt of the legal paper, the Office of Judicial Records shall provide the filing party with an acknowledgment, which includes the date and time the legal paper was received by the Electronic Filing System.
- (3) After review of the legal paper, the Office of Judicial Records shall provide the filing party with e-mail notification, or notification on the Electronic Filing System, that the legal paper has been accepted for filing ("filed") or not accepted or refused for filing.
- (4) If a legal paper is accepted, it shall be deemed to have been filed as of the date and time it was received by the Electronic Filing System; provided, however, that if a legal paper is submitted without the requisite filing fee, the legal paper shall be deemed to have been accepted for filing as of the date payment was received. The Office of Judicial Records is authorized to refuse for filing a legal paper submitted without the requisite payment. If the pleading or legal paper is accepted for filing, it will be electronically served as authorized by Pa.R.C.P. No. 205.4(g)(1)(ii) and service shall be effectuated as provided in Pa.R.C.P. No. 205.4(g)(2)(ii).

Note: As required by Pa.R.C.P. No. 205.4(c)(1), access to the Electronic Filing System shall be available at all times, except for required maintenance. However, legal papers can only be reviewed during normal court hours. Therefore, parties are cautioned to file required legal papers in advance of any filing deadline to enable timely correction and re-submission in the event a legal paper is not accepted or is refused for filing. The Office of Judicial Records may refuse for filing any legal paper submitted without the required filing fees as provided by 42 Pa.C.S. §1725(c)(2)(xix), or, at the Office of Judicial Records discretion, may authorize the filer to submit the required filing fees within a stated time period after which the Office of Judicial Records may refuse the legal paper for filing if payment is not received.

- (5) If a legal paper is refused for filing, the Office of Judicial Records shall specify the reason. Subject to the provisions of subsection Rule 205.4 (e)(1)(i), a legal paper refused for filing shall be deemed as not having been filed.
- (6) Neither the Court nor the Office of Judicial Records are required to maintain a hard copy of any legal paper or exhibit, notice, or order filed or maintained electronically under this rule.
- (7) If a legal paper is electronically filed, the Civil Electronic Filing System will automatically serve all persons who have previously submitted electronic filings in the same case, pursuant to Philadelphia Civil Rule *205.4 and Pa.R.C.P. No. 205.4(g), but the filing party must serve all others as required by rules of court. All legal papers filed in a hard-copy format must be served by the filing party as required by rules of court.

Note: This rule is adopted as required by Pa.R.C.P. No. 239.9.

The provisions which govern the Electronic Filing of Mental Health Applications and Petitions are set forth in Philadelphia Civil Rule 7109.1, which was adopted on November 16, 2001 and which became effective on January 1, 2002.

Editor's Note: Adopted November 15, 2007, effective January 7, 2008; amended December 1, 2008, effective January 5, 2009.

Rule *206.1(a) Designation of Petitions.

- (1) In addition to petitions to open default judgment and petitions to open judgment of non pros, the following applications are designated “petitions” and are governed by the procedures set forth in Pa.R.C.P. 206.1 et seq.:
 - (i) Petition to Appoint Arbitrator;
 - (ii) Petition to Appoint A Receiver;
 - (iii) Petition to Compel Arbitration;
 - (iv) Petition to Confirm Arbitration Award;
 - (v) Petition to Confirm Settlement;
 - (vi) Petition for Contempt;
 - (vii) Petition to Set Aside Arbitration Award;
 - (viii) Statutory Petitions; and
 - (ix) Petition to Appoint a Sequestrator.
- (2) Emergency petitions shall be assigned to the appropriate judge immediately upon submission to the Motion Clerk. A Rule to Show Cause Order will not be issued as of course by the Motion Clerk. Upon review of the petition, the assigned judge will issue an appropriate order setting forth the manner in which the petition will be answered, heard and disposed.
- (3) The Administrative Judge of the Trial Division, or his/her designee, may from time to time update the list of Applications which are designated “petitions” and which are governed by the procedures set forth in Pa.R.C.P. 206.1. The updated list shall become effective thirty (30) days after publication on the website of the Administrative Office of Pennsylvania Courts.

Editor's Note: Former Rule 206.1 rescinded and replaced May 20, 2004, effective July 26, 2004. Amended May 15, 2014, effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

Rule *206.3 Rule *206.3 Petitions for Approval of Settlement of No-Fault Benefits.

Editor's Note: Rescinded May 24, 2000, effective 30 days after publication in the *Pennsylvania Bulletin*.

Rule *206.4(c) Rule *206.4(c). Rule to Show Cause. Issuance as of Course. Form of Order. Stay.

The Rule to Show cause process set forth in Pa.R.C.P. 206.6 is hereby adopted for all petitions filed pursuant to Pa.R.C.P. 206.1 et seq. Upon the filing of a petition, a rule to show cause shall be issued as of course by the Motion Court clerk on behalf of the Court. The form of rule to show cause order shall be substantially as set forth hereunder. To obtain a stay of proceedings, the filing party shall specifically set forth in the petition the reasons why the stay is required, and shall further indicate on the Petition/Motion Cover Sheet that a stay has been requested. The Court may schedule a conference on the request for stay, or grant or deny the stay ex parte.

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Editor's Note: Adopted May 20, 2004, effective July 26, 2004.

Rule *208.2(c) Briefing Requirement.

All Motions, except for Motions for Extraordinary Relief, shall be accompanied by a Brief or Memorandum of Law in the form set forth in Phila.Civ.R. *210.

Editor's Note: Adopted May 20, 2004, effective July 26, 2004.

Rule *208.2(d) Certification of Uncontested Status.

Note: This court has not promulgated a local rule imposing a certification requirement for uncontested motions.

Editor's Note: Adopted May 20, 2004, effective July 26, 2004.

Rule *208.2(e). Certification of Good Faith Attempt to Amicably Resolve Discovery Motions.

On the day the Discovery Motion is argued, the filing party shall present to the Discovery Judge an Attorney Certification of Good Faith, substantially in the form attached hereto, certifying that the filing party has conferred with all other parties in an attempt to resolve the discovery disputes at issue. In the event the moving party was unable to confer with any party, the attempts made to confer with that party shall be specifically set forth.

See Forms Index

Editor's Note: Adopted May 20, 2004, effective July 26, 2004.

Rule *208.3(a) Motions Initially Considered Without Written Response or Briefs.

- (1) *Emergency Motions.* “Emergency Motions” shall be initially considered without written Response or Briefs. Upon filing, the Motion Clerk shall assign the Emergency Motion to the appropriate judge who, upon review of the motion, will issue an order providing any applicable relief, and shall further set forth how the motion will be answered, heard and disposed;
- (2) *Motions for Alternative Service.* Motions for Alternative Service shall be forwarded to the appropriate judge immediately upon filing. The filing party must immediately serve a copy of the petition on all counsel of record and unrepresented parties;
- (3) *Motions for Reconsideration.* Motions for Reconsideration shall be forwarded to the appropriate judge immediately upon filing, and the filing party must serve a copy of the motion as provided in subsection (b) (3)(C). In appropriate cases, the assigned judge may enter a preliminary order vacating the order in question pending receipt of the response to the motion.

(4) *Discovery Motions.*

- (A) *Scheduling Requirements.* All Discovery Motions, except in designated Mass Tort cases, shall be presented to, argued before and determined by the appropriate Judge of Discovery for the particular program involved. The moving party shall file or fax a Discovery Argument Request Form (substantially in the form attached hereto) with the Discovery Clerk (Room 287 City Hall) setting forth the following information: the program to which the case is assigned; the next event and the date of that event (if the case is in the Arbitration Program, the arbitration hearing date must be provided), the Court Term and Number, and Caption of the case. The requisite filing fee in the form of a check made payable to the Office of Judicial Records or credit card information must be included. Upon receipt of the requisite filing fee and a fully completed Discovery Argument Request Form, the Discovery Clerk shall assign the Discovery Motion for argument. The filing party retains the original Motion and proposed order for submission to the Court on the argument date.
- (B) *Service Requirements.* The moving party shall immediately serve a copy of the Discovery Motion and proposed order (which shall contain no reference to the attorney proposing same), together with a Notice of Presentation and Certificate of Service (substantially in the form attached hereto) on all counsel of record and unrepresented parties as required by Pa.R.C.P. 440. Except in cases of emergency or waiver by consent of all parties, at least ten (10) days' prior written notice shall be required.
- (C) *Argument Date.* On the argument date, the filing party shall hand to the Discovery Judge the following items: the original Discovery Motion and proposed order (which shall contain no reference to the attorney proposing same), Notice of Presentation, and the Attorney Certification of Good Faith required by Phila.Civ.R. *208.2(e). Should all parties fail to appear for the argument, the court will deem the Discovery Motion moot. The Motion may not be rescheduled but a new Motion may be scheduled for argument as provided herein. Should all parties other than the moving party fail to appear, the Court will deem the Motion uncontested and will enter an appropriate order. Should the moving party fail to appear but one or more responding party appears pursuant to a Notice of Presentation served by the moving party, the court shall dismiss the Motion and may, upon the later filing of a motion for sanctions, enter monetary sanctions against the moving party and in favor of the party who appeared.
- (D) *Response Requirement.* Any party opposing the Discovery Motion must respond, orally or in writing, on the argument date. Any party not

opposing a discovery motion need not respond or appear for the argument.

- (E) *Disposition of Discovery Motion.* On the argument date, the Discovery Judge shall:
- (i) enter appropriate orders concerning uncontested motions;
 - (ii) entertain argument on contested motions and, if no issues of fact are raised, enter an appropriate order; or
 - (iii) enter an appropriate order providing the procedure the parties are to follow to develop the record concerning any fact issue raised by the Discovery Motion or Response.
- (F) *Notice of Entry of Order.* If the decision of the Court is issued immediately after the argument the party presenting the motion shall send a copy of the order to each attorney of record and unrepresented party who was not present on the argument date. The court shall send to each attorney of record and unrepresented party a copy of any order entered on any Discovery Motion held under advisement at the conclusion of the argument.

Editor's Note: Amended March 9, 2005, filed for public inspection April 1, 2005; adopted May 20, 2004, effective July 26, 2004.

Rule *208.3(b) *Motions Considered After Response Period. Briefs.*

- (1) *Applicability.* This rule governs the filing of all motions except the following:
- (A) All matters specifically excepted in Pa.R.C.P. 208.1(b);
 - (B) Assignment to an individual judge. (See Philadelphia Civil Rule *215);
 - (C) Advancement on the trial list. (See Philadelphia Civil Rule *215);
 - (D) Arbitration applications. (See Philadelphia Civil Rule 1303.1.)
 - (E) Motion for approval of settlements where a minor or incapacitated person have an interest. (See Philadelphia Civil Rule*2039.1.)
 - (F) Motion for allowance in minors' cases. (See Philadelphia Civil Rule *2039.2.)
 - (G) Motion for approval of settlements in wrongful death cases. (See Philadelphia Civil Rule *2206.)
 - (H) Motion for Extraordinary Relief (See Trial Division General Court Regulation No. 95-1).
- (2) *Non-Discovery Motions.*
- (A) *Filing Requirements.* All motions other than discovery motions shall be filed with the Office of Judicial Records and the requisite fee paid, and shall thereafter be immediately submitted to the Motion Clerk. All Motions shall be accompanied by the following items in the following order:

- (i) A completed Petition/Motion Cover Sheet as provided in Phila.Civ.R. *205.2(b)(2);
 - (ii) A proposed order, which shall contain no reference to the attorney proposing same;
 - (iii) A brief or memorandum of law as required by Phila.Civ.R. *210;
- (B) *Control Number. Response Date.* Other than as provided in Phila.Civ.R. *208.3(a) and except for Summary Judgment Motions (which have a thirty (30) day response period, all Motions have a twenty (20) day response period. Upon filing, the Motion Clerk shall enter on the Cover Sheet a unique Control Number which must be used on all Responses, and shall enter the “Response Date” on or before which all Responses must be filed by any party.
- (C) *Service Requirements.* The moving party shall immediately serve conformed copies of all documents filed with the Motion Clerk on all counsel of record and unrepresented parties, as required by Pa.R.C.P. 440.
- (D) *Response Requirements.* Any party opposing the motion, shall file the following documents with the Motion Court on or before the Response Date:
- (i) A completed Cover Sheet as set forth in Phila. Civ.R. *205.2(b)(2);
 - (ii) A proposed order, which shall contain no reference to the attorney proposing same;
 - (iii) The Response to the motion; and
 - (iv) A brief or memorandum of law as provided in Phila.Civ.R. *210.
- (E) *Attachments.* All Motions shall include copies of all documents or items necessary or relevant to the disposition of the issues. This shall include the complaint, answer, and reply to new matter. All such documents or items shall be included or attached and marked as exhibits separately. The Court may decide any matter against a party who fails to attach to the filing those items sufficient to enable the Court to determine the matter.
- (F) *Disputed Issues of Fact.* Disputed issues of fact shall be determined as the Court may provide pursuant to Pa.R.C.P. 208.4(b).
- (G) *Deadline for Filing Arbitration Motions.* Motions shall not be accepted by the Motion Clerk in cases where an arbitration hearing is scheduled to be held within forty-five (45) days.

<i>See Forms Index</i>

Editor’s Note: Adopted May 20, 2004, effective July 26, 2004; amended March 9, 2005, filed for public inspection April 1, 2005; adopted November 15, 2007, effective on the date established in Philadelphia Civil Rule *205.4(a)(1)(ii).

Note: Adopted by the Board of Judges at the September 23, 2004 Board of Judges’ Meeting.

Note: The amendments to this rule are made in contemplation of implementation of Electronic Filing as authorized by Pa.R.C.P. No. 205.4 and Philadelphia Civil Rule *205.4; the amendments will thus become effective on the implementation date announced by the Administrative Judge of the Trial Division as provided in Philadelphia Civil Rule *205.4(a)(1)(ii). Until that date, the parties must continue to include with their legal papers the required addressed stamped envelopes. The Court will not accept the pleadings or legal papers without the required envelopes.

Rule *209 *Evidentiary Hearings on Motions.*

Editor’s Note: Rescinded May 24, 2000, effective 30 days after publication in the *Pennsylvania Bulletin*.

Rule *210 *Brief.*

Except for Motions for Extraordinary Relief, all Petitions and Motions shall be accompanied by a brief or memorandum of law. Briefs or memoranda of law shall be typewritten, printed or otherwise duplicated, and endorsed with the name of the case, the court term and number, and the name, address, and electronic mail address of the attorney or the party if not represented by an attorney. Briefs and memoranda of law shall contain concise and summary statements, separately and distinctly titled, of the following items in the order listed:

1. Matter before the Court: State the particular pleading (motion, petition, objection, exception, application, etc.) before the court for disposition, and the particular relief requested therein.
2. Statement of question(s) involved: State the issue(s) in question form containing factual context sufficient to present the precise matter to be decided by the Court, each susceptible of a yes or no answer, each followed by the answer desired or advocated.
3. Facts: State the operative facts.
4. Argument: State the reason(s) why the court should answer the questions involved as proposed, including citation of the authorities relied on. An authority shall not be cited for general reference but in all cases shall be immediately preceded or followed by its relevant holding or particular proposition for which it stands.
5. Relief: State the specific action(s) requested of the court.

Editor’s Note: Adopted May 20, 2004, effective July 26, 2004; amended November 15, 2007, effective January 7, 2008.

Rule *212.1 *Filing Pre-trial Statements.*

- (A) Rescinded.
- (B) As authorized by Pa.R.Civ.P. No. 212.1(c), pre-trial statements shall be filed as required in a case’s applicable Program Case Management Order.

Editor’s Note: Former Rule 206; adopted by Board of Judges, originally Star Rule *212, adopted November 15, 1978, effective immediately; amended by General Court Regulation 80-11, effective July 1, 1980; further amended by General Court Regulation 83-4, effective December 5, 1983. Amended. May 24, 2000, effective 30 days after publication in the *Pennsylvania Bulletin*; amended May 20, 2010, effective immediately.

Rule *212.2 (Rescinded)

Editor's Note: Attached Itemization of Costs amended by GCR 96-2, July 22, 1996. Amended March 3, 2000, effective 30 days after publication in the *Pennsylvania Bulletin*; rescinded February 28, 2017.

Rule *212.3 Pre-Trial and Settlement Conferences.

- (A) The court, in its Program Case Management Orders scheduling pre-trial or settlement conferences pursuant to Pa.R.Civ.P. No. 212.3, may order anyone with a financial interest in the outcome of a case to be personally present at the pre-trial or settlement conference. Failure of anyone with a financial interest in the outcome of a case to appear may result in the imposition of sanctions against such party, or other entity. The court, upon appropriate request of counsel, may for good cause permit a party or representative to appear by telephone rather than in person.
- (B) In non-jury cases, the Trial Judge shall not enter into settlement negotiations without the consent of the parties and may refuse to enter into settlement negotiations even if the parties consent to such participation. In such a case, if the parties wish to pursue settlement negotiations with a judge, arrangements may be made to find a judge agreeable to all parties to serve as a settlement conference judge.
- (C) From time to time, a judge may recommend a settlement amount, and a party may make a settlement demand or offer. Any settlement amount, demand or offer made shall be communicated forthwith to the client by his, her or its counsel.

Explanatory Note: Former Philadelphia Civil Rule *229.1 titled "Settlement Recommendations, Demands and Offers" has been added in its entirety to this rule as Subsection (C).

Note: Former Rule 171; originally Star Rule *229A, adopted November 15, 1978, effective immediately; amended May 20, 2010, effective immediately; amended December 7, 2010, effective 30 days after publication in the *Pennsylvania Bulletin*.

Rule *212.4 Mandatory Pretrial Evaluation and Resolution Conference Program.

Editor's Note: Rescinded May 24, 2000, effective 30 days after publication in the *Pennsylvania Bulletin*.

Rule *215 Assignment of Cases in the Trial Division.

- A. All cases filed in the Trial Division of the Court of Common Pleas shall be listed for trial in accordance with those management procedures in effect for the program to which a case is assigned.
- (1) *Arbitration Cases.* All cases which when filed are subject to compulsory arbitration under Philadelphia Civil Rule *1301 shall be assigned a hearing date and time upon commencement on the face of the initial filing.

- (2) *Major Jury Cases.* All jury cases, other than Arbitration Appeals and Mass Tort matters, shall be listed for trial by the Judicial Team Leader for that Program to which a given case is assigned in accordance with the pertinent Case Management Order. Protracted and complex cases will be listed for dates certain. Those cases classified standard and expedited typically will be assigned to a trial pool for a given Pool Month within the appropriate program. A Pool Month begins on the first Monday of each month ("Pool Month") and continues until the start date of the next Pool Month. If the case is not reached during the Pool Month, it will be placed in each successive Pool Month until the matter is called for trial.

Whether a given case is assigned a date certain or a pool month date is within the sound discretion of the Program Team Leader (or his or her designee).

- (3) *Non Jury Cases.* All Non Jury cases will be designated as either Commerce Program or Non Jury Program cases. Commerce Program cases will be listed for trial at a status conference by the Supervising Judge of the non Jury Program, located at the Complex Litigation Center.
- (4) *Mass Tort Cases.* All Mass Tort cases shall be listed for trial by the Supervising Judge of the Mass Tort Program, located at the Complex Litigation Center.
- (5) *Arbitration Appeal Cases.* All Arbitration Appeal cases shall be listed for trial by the Supervising Judge at the Complex Litigation Center in a monthly trial pool in accordance with a Case Management Order. A Pool Month begins on the first Monday of each month and continues until the start date of the next Pool Month. If the case is not reached during the Pool Month, it will be placed in each successive Pool Month until the matter is called for trial.

B. Jury Trial Requests.

- (1) Upon commencement of an action, the plaintiff shall pay the non jury listing fee, or if a jury trial is initially demanded, the jury listing fee.
- (2) Thereafter, a jury trial may be demanded and perfected in accordance with Philadelphia Civil Rule *1007.1.
- (3) Payment of a jury fee will determine the case program assignment, except in those cases seeking equitable relief which shall be in either the Commerce Program or the Non Jury Program.

Comment: This *Rule has been completely rewritten to comport with the principles of differentiated case management and the assignment of cases by program. Counsel are advised to consult, where appropriate, the following General Court Regulations and Administrative Orders:

1. Trial Division General Court Regulation No. 94-2. (Procedure and Criteria for Advanced Trial Listings pursuant to Pa.R.C.P. 214.)
2. General Court Regulation No. 95-2. (Day Forward Program. Procedure for Disposition of Major Jury Cases Filed on and after January 2, 1996.)

3. Administrative Docket No. 01 of 1998. (Protocol for Trial Pools in the Day Backward and the Day Forward Programs.)

Editor's Note: Amended May 24, 2000, effective 30 days after publication in the Pennsylvania Bulletin. This rule may be impacted by the following: Administrative Docket No. 01 of 1999, Administrative Docket No. 02 of 2003, General Court Regulation 95-2, Administrative Docket No. 01 of 1998, Administrative Docket No. 02 of 1993, Administrative Docket No. 04 of 2005, Administrative Docket No. 05 of 2005, General Court Regulation No. 2012-01, General Court Regulation No. 2012-03, and General Court Regulation No. 2013-01. Amended February 28, 2019, Published in the *Pennsylvania Bulletin* no later than 30 days; amended September 20, 2022, effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

Rule *216.1 *Continuances—Physical Witnesses.*

- (A) The lawyer has an obligation to notify a physician as far in advance of trial as is reasonable and attempt to secure times when the physician will be available to testify.
- (B) The lawyer has an obligation to keep the physician apprised of any change in trial date or times, or of settlement of the case.
- (C) A minimum of 48 hours notice of the appearance of the physician shall be given to the physician, if possible.
- (D) After a physician has been subpoenaed in accordance with the statute and the physician fails to appear, the Trial Judge shall intervene upon application by counsel by calling and apprising the physician of the requirement to appear. If the physician refuses or fails to appear, a bench warrant shall be issued and the Court shall grant a continuance of 24 hours, when required, for the attendance of the physician witness.

Note: Former Rule 228; adopted by The Board of Judges, originally General Court Regulation 84-6, effective November 6, 1984.

Rule *223.1 *Trial Procedure—General.*

- (A) When, in the course of any trial, a document, writing or photograph shall be offered by any party as an exhibit, either for the purpose of identification or as part of the record in the case, true and correct copies thereof, or relevant extracts therefrom, shall be presented to the Trial Judge and to each counsel of record at the time such document, writing or photograph is marked for identification; provided, however, that this rule shall not apply to (1) X-ray films, or (2) such lengthy documents as deeds, bonds, mortgages, wills, books of account and voluminous hospital records, or (3) documents or records produced in Court under subpoena; and provided further that if compliance with this rule would serve no useful purpose or would result in unreasonable burden or expense, application shall be made either to the Calendar Judge before trial or to the Trial Judge before trial for an exemption from compliance with the rule. In the event that such true and correct copies of documents, writings or photographs, or relevant extracts therefrom, shall not be produced, and no exemption has been granted, the Trial Judge may, in the exercise of his or her discretion, refuse to

allow such document, writing or photograph to be marked for identification or received in evidence.

- (B) The time to be occupied in examining a witness and addressing the jury shall be regulated by the Trial Judge.
- (C) If the attorney for a plaintiff makes an opening address to the jury, counsel for a defendant is at liberty, if he chooses to exercise his right, to make an opening address in reply before any testimony is taken; and, if the privilege is exercised, the defendant's counsel shall not be precluded thereafter from offering evidence as to any matters of defense not specifically referred to in his or her opening address.
- (D) After the evidence is closed, only one attorney for each party or group of parties may address the jury. The attorney for the party or group of parties having the burden of proof shall first sum up, stating explicitly the grounds relied upon. The attorney for each adverse party or group of parties may then address the jury, and, if any such party has offered evidence, the attorney who commenced may conclude, restricting himself or herself to answering the arguments advanced.

Note: Former Rule 225; originally Star Rule *223, adopted June 27, 1968.

Rule *227 *Motions for Post-Trial Relief.*

- (a) *Time for filing.* All motions for post-trial relief shall be filed within the time limits prescribed by Pa.R.C.P. 227.1(c).
- (b) *Filing Procedure.* All motions for post-trial relief shall be filed with the Office of Judicial Records and the Post-Trial Motions Unit of the Motion Court. All motions for post-trial relief shall be accompanied by a certificate of service setting forth the name of the Trial Judge and the names, addresses and telephone numbers of all counsel and unrepresented parties. The post-trial motions shall be assigned to the Trial Judge immediately upon filing.

See Forms Index

- (c) *Court En Banc.* Argument before a court en banc as authorized in Pa.R.C.P. 227.2 may be requested by the moving party, in writing, attached to the motion for post-trial relief. All requests by opposing parties for argument before a court en banc shall be filed with the Office of Judicial Records and Motion Court within five days of service of the motion for post-trial relief.
- (d) *Trial Transcripts.*
 - (1) Trial transcripts shall be requested as provided in Pa.R.C.P. 227.3 and Pa.R.J.A. 5005.5(a) in writing addressed to the Court Reporter and to the Manager of Court Reporters, 1321 Arch Street, 3rd Floor, Philadelphia, PA 19107.

(2) The court reporter shall file the original notes of testimony, or that portion of the record ordered to be transcribed, with the Post-Trial Motions Unit of the Motion Court (for transmission to the Trial Judge) no later than 30 days after the notes of testimony are ordered. The Court Reporter shall contemporaneously with the filing of the notes of testimony deliver a copy to any party who has requested and paid for them and shall advise the Manager of Court Reporters in writing that the requested transcript has been filed and delivered.

(e) *Disposition of Post-Verdict Motions.*

(1) *Oral Argument.* The Trial Judge shall schedule oral argument for a date certain taking into consideration the dictates of Pa.R.C.P. 227.4(1)(b).

(2) *Briefs.* The court may require the parties to submit briefs in support of, or contra, the post-verdict motions.

(3) *Disposition Date.* The court shall dispose of the post-trial motions within 120 days of the filing of the first post-trial motion unless the parties agree in writing to waive the application of Pa.R.C.P. 227.4(1)(b).

(f) *Notice of the Entry of an Order Disposing of the Post-Verdict Motions.* Notice of the entry of the Order disposing of the post-verdict motions shall be given as provided by Pa.R.C.P. 236.

See Forms Index

Editor's Note: Adopted by the Board of Judges on May 16, 1996, GCR 96-2, July 22, 1996, effective immediately.

Rule *227.3 *Transcript of Testimony.*

(a) *Post-Trial Motions.* The court may, upon receipt of a copy of a request for partial transcript, or upon receipt of a partial transcript, request that the Official Court Reporter transcribe additional portions of the transcript, or the entire transcript, if the transcription of the increased portion of the transcript is deemed necessary for the disposition of the outstanding post-trial motions. The cost of such transcription shall be incurred by the party who filed the post-trial motions. In the event more than one party has filed post-trial motions, the cost of transcription shall be borne equally between or among such parties.

(b) *Appeals.* Upon receipt of the order for transcription of notes of testimony in connection with an appeal, and the requisite payment or deposit thereon, the Official Court Reporter shall prepare a full transcript of the case on appeal, unless the appellant or a cross-appellant has requested and obtained an order of diminution of transcription from the trial court. Pa.R.A.P. 1922 requires that an application for an order providing for less than the entire proceeding shall be made in civil

cases within two days after the order for transcript is filed, and in criminal cases as provided in Pa.R.Crim.P. 115. As provided in Pa.R.A.P. 1911, the appellant must request and pay for the transcription of testimony; however, cross-appellants shall share the initial expense equally with all other appellants.

Editor's Note: Adopted July 6, 2006, effective 30 days after publication in the *Pennsylvania Bulletin*.

Rule *227.5 *Bill of Costs.*

(A) *Time for Filing.* A bill of costs may be filed with the Office of Judicial Records no later than ten (10) days after final judgment. A judgment becomes final when the applicable appeal period has expired without appeal. A copy of the bill of costs shall immediately be served on all parties to the action and an affidavit of service filed with the Office of Judicial Records within two days after service.

(B) *Parties Entitled.* Costs shall be allowed to a prevailing party except as otherwise provided by law or unless waived by a party who would otherwise be entitled thereto. A prevailing party shall include:

- (1) A party in whose favor a final judgment is entered.
- (2) A party in favor of whom a non pros is entered.
- (3) Defendants for whom judgment is entered, or who are dismissed from the action, even though the plaintiff ultimately prevails over the remaining defendants.

(C) *Contents.* A bill of costs shall itemize those costs claimed to be due. The costs claimed may include:

- (1) *Record Costs.* All costs of record appearing on the docket including but not limited to the Office of Judicial Records fees and costs, the Sheriff's fees and costs, and the jury fee.
- (2) *Non-record Costs.* Costs not appearing of record, including but not limited to:
 - (a) *Statutory witness fees.* The bill shall set forth the names of witnesses, the dates of their attendance, the number of miles actually travelled by them, and the place from which mileage is claimed;
 - (b) Costs of subpoenas for appearance in Court, including costs of service thereof;
 - (c) Costs of maps in eminent domain actions;
 - (d) Fees of appraisers, auditors and/or examiners where necessary to the action;
 - (e) Notary fees;
 - (f) Attorneys' fees if expressly authorized by statute or stipulation; and
 - (g) Filing fee for the bill of costs.
- (3) Such other costs as are allowable by law.

(D) *Proof of Costs.* The bill of costs shall be verified by the affidavit of the party, his agent or attorney, stating that

the disbursements set forth have been necessarily incurred and are reasonable in amount, and if incurred for the attendance of witnesses, that the witnesses named were actually present in Court and that, in his opinion, they were material witnesses.

- (E) *Exceptions.* No later than twenty (20) days after final judgment, exceptions (identifying those costs to which objection is made with the reason therefor) shall be filed with the Office of Judicial Records and a copy served on other parties. Failure to so file exceptions shall be deemed a waiver of all objections. Upon expiration of the period for filing exceptions and upon praecipe, the Office of Judicial Records shall (1) where exceptions have been so filed, set a hearing date and give the parties at least ten days notice thereof; or (2) where no exceptions have been so filed, impose the costs. Where a hearing is held, upon conclusion thereof, the Office of Judicial Records shall decide what costs are to be taxed and shall file a decision itemizing the taxable costs.
- (F) *Appeal.* An affected party may appeal from the Office of Judicial Records decision within ten (10) days from the date of written notice thereof by filing a notice of appeal of taxation of costs in accordance with the procedure for filing a motion as set forth in Philadelphia Civil Rule *208.3(b)(3). The cover sheet shall set forth the name of the Trial Judge, that the action was an arbitration matter, or that no judge had been assigned. The notice of appeal shall specify the costs taxed by the Office of Judicial Records to which the appellant excepts and the reasons for the exceptions. The notice of appeal shall be filed with the Motion Court and a copy shall immediately be served upon all interested parties. If the Court modifies the decision of the Office of Judicial Records as to the amount or responsibility for costs, the reasons therefor shall be stated in writing and filed of record.
- (G) *Enforcement of Payment.* After taxation is final, the costs shall be entered on the record, included in the final judgment and collected with that judgment. Where costs are taxed against a party without a judgment for monetary damages, a judgment in the amount of the costs taxed shall be entered against such party.
- (H) *Taxation of Costs of Settlement.* Upon disposition by settlement, each party shall bear its own costs unless otherwise agreed.
- (I) *Forms.*
- (1) The bill of costs shall be substantially in the following form:

See Forms Index

- (2) The praecipe referred to in paragraph (E) above shall be substantially in the following form:

See Forms Index

Note: Former Rule 380; originally Star Rule *308, amended by The Board of Judges, November 15, 1979, effective immediately; further amended by General Court Regulation 84-66, effective November 6, 1984.

Editor's Note: Amended May 20, 2004, effective July 26, 2004.

Rule *229 *Termination of Cases.*

- (A) Termination of a case prior to the entry of an arbitration award, verdict or judgment may be accomplished without leave of Court only by filing a praecipe to settle, discontinue and end, or a praecipe to discontinue (without prejudice), signed on behalf of all parties who have asserted claims in the action.
- (B) Termination of an appeal from arbitration before the entry of a verdict or judgment may be accomplished without leave of Court only by filing a praecipe to discontinue the appeal signed on behalf of all parties. If an appeal is discontinued, the arbitration award will remain on the judgment index unless an order to satisfy the award signed on behalf of the prevailing party or parties also is filed.
- (C) Termination of a case after the entry of an unappealed arbitration award or after the entry of a verdict or judgment may be accomplished without leave of Court only by filing a praecipe to satisfy the award, verdict or judgment signed on behalf of the prevailing party or parties.
- (D) When a settlement has been consummated, an award, verdict or judgment has been paid, or the parties have otherwise agreed to terminate a case, the appropriate praecipe or praecipes shall be filed within twenty (20) days thereafter, in default of which sanctions may be imposed.

Note: Former Rule 162; originally Star Rule *229; adopted by The Board of Judges, General Court Regulation 75-8, August 7, 1975; amended by General Court Regulation 83-4, effective December 5, 1983.

This rule has been expanded to state the existing requirements concerning signatures by the appropriate parties, discontinuance of arbitration appeals, and satisfaction of the liens created by awards, verdicts and judgments.

Rule *229.1 *Settlement Recommendations, Demands and Offers. [Rescinded]*

Explanatory Note: This rule has been moved in its entirety to Philadelphia Civil Rule * 212.3, titled Pretrial and Settlement Conferences, as Subsection (C).

Editor's Note: Adopted February 16, 2006, effective 30 days after publication in the *Pennsylvania Bulletin*; rescinded December 7, 2010, effective 30 days after publication in the *Pennsylvania Bulletin*.

Rule *229.1 *Sanctions for Failure to Deliver Settlement Funds.*

- (A) The following definitions shall apply:

“Released Party.” A party released from a claim or claims of liability by a release executed pursuant to an agreement of settlement.

“Releasing Party.” A party who, by execution of a release pursuant to an agreement of settlement, has agreed to forego a claim or claims of liability against a Released Party.

“Settlement Funds.” Payment, by a Released Party in any form of monetary exchange, to a Releasing Party pursuant to an agreement of settlement.

- (B) The provisions of this rule shall not apply to the annuity or future installment portion of a structured settlement agreement.
- (C) The Releasing Party and Released Party may agree in writing to modify or waive any of the provisions of this rule.
- (D) A Released Party shall have twenty (20) calendar days from receipt of an executed release within which to deliver the settlement funds to the Releasing Party or its counsel.
- (E) If settlement funds are not delivered to the Releasing Party within the aforesaid twenty (20)-day period, the Releasing Party may:
- (1) invalidate the settlement; or
 - (2) file an affidavit with Motion Court attesting to non-payment. Such affidavit shall be accompanied by (a) the form of Order specified in paragraph (G) below, (b) a copy of any document evidencing the terms of the settlement agreement, (c) a copy of the executed release, and (d) a copy of a receipt reflecting delivery of the executed release more than twenty (20) days prior to the date of filing of the affidavit. The attorney shall certify to the Court the applicable interest rate and shall certify that the affidavit and accompanying documents have been served on all interested counsel.
- (F) Upon receipt of the attorney affidavit and supporting documentation required by paragraph (E)(2) above, the Released Party shall have twenty (20) days to file a response. If the Court finds that the Released Party has violated this rule and that there is no material dispute as to the terms of the settlement or the terms of the release, the Court shall impose sanctions in the form of interest calculated as set forth below together with reasonable attorneys’ fees incurred in the preparation of the affidavit. Interest shall be calculated at the rate equal to the prime rate as listed in the first edition of the Wall Street Journal published for the calendar year preceding the date on which the settlement funds were payable,

plus one percent, not compounded, calculated from the twenty-first day after the date of the settlement to the date of delivery of the settlement funds.

- (G) The affidavit shall be accompanied by an Order in substantially the following form:

See Forms Index

Note: Former Rule 172; Adopted by the Board of Judges, originally General Court Regulation 85-7, effective July 22, 1985.

Editor’s Note: Amended May 19, 2003, effective July 1, 2003; adopted June 22, 2005, effective 30 days after publication in the *Pennsylvania Bulletin*.

Rule 310 ***[Rescinded].***

Editor’s Note: Rescinded July 3, 2008, effective 30 days after publication in the *Pennsylvania Bulletin*.

Rule 311 ***[Rescinded].***

Editor’s Note: Rescinded July 3, 2008, effective 30 days after publication in the *Pennsylvania Bulletin*.

Rule 312 ***[Rescinded].***

Editor’s Note: Rescinded July 3, 2008, effective 30 days after publication in the *Pennsylvania Bulletin*.

Rule 313 ***[Rescinded].***

Editor’s Note: Rescinded July 3, 2008, effective 30 days after publication in the *Pennsylvania Bulletin*.

Rule 320 ***Appeals from State and Local Agencies.***

- (A) *Applicability.* The Office of Judicial Records shall maintain a special docket for appeals from the determinations of state and local agencies (“statutory appeals”). Statutory appeals (and matters ancillary thereto) shall be presented to and determined by the Supervising Judge of Appeals (“Supervising Judge”).
- (B) *Manner of Taking Appeal.* An appeal may be commenced by filing a Notice of Appeal with the Office of Judicial Records.¹ The Notice of Appeal shall be in substantially the following form:

See Forms Index

- (C) *Procedure on Appeal.* The Supervising Judge shall publish a standing case management order for each agency whose determinations are appealed on a regular basis (“agency-specific orders”). For agencies whose determinations are seldom appealed, the Supervising Judge shall publish a standing order of a generic nature. The Office of Judicial Records shall provide

1. Rule 320

Statutes authorizing appeals from state agencies (and some local agencies) often require the appeal to be commenced by “petition.” See, e.g., 47 P.S. §4-464 (appeals involving the Liquor Control Board). Statutory requirements of this sort usually predate the constitutional remodeling of 1968 but, in any event, may be ignored. See, e.g., *Appeal of Borough of Churchill*, 575 A.2d 550, 554 (Pa. 1990) (legislative bodies may not dictate civil procedure to Pennsylvania Courts). See also *Albrechta v. Borough of Shickshinny*, 565 A.2d 198, 201 (Pa. Commw. 1989) (improper appeal process may be transformed into valid process), *appeal denied*, 577 A.2d 891 (Pa. 1990).

appellant(s) with an agency-specific (or generic) standing order whenever a notice of appeal is filed. Every appeal (and matter ancillary thereto) shall be governed by the aforesaid standing order and any supplemental order, which may be issued by the Supervising Judge.

(D) *Manner of Service.* The persons to be served, and the manner of making service, shall be specified in the standing order.

(E) *Parties.*

(a) The following persons shall be deemed parties opposed to the appeal unless they opt out by filing a praecipe with the Office of Judicial Records within 60 days of service of the Notice of Appeal:

- (1) the person(s) who initiated the proceedings before the agency below;
- (2) the City of Philadelphia, but only in appeals involving local agencies;
- (3) the School District of Philadelphia, but only in appeals involving school taxes; and
- (4) the Commonwealth of Pennsylvania, but only in appeals involving state agencies.

(b) Others may obtain party status by intervening in accordance with the procedures set forth in the standing order.

Editor's Note: Former Rule 146; adopted by The Board of Judges, originally General Court Regulation 81-7, July 30, 1981. Amended by General Court Regulation 81-8, September 9, 1981, General Court Regulation 88-2, February 18, 1988, and Administrative Docket 4 of 93, December 30, 1993. Former rule rescinded and new rule adopted May 23, 1997, effective July 1, 1997.

Rule 325 *Appeals From the Zoning Board of Adjustment.*

Editor's Note: Rescinded May 23, 1997, effective July 1, 1997.

Rule 330 *Appeals from the Board of Revision of Taxes.*

Editor's Note: Rescinded May 23, 1997, effective July 1, 1997.

Rule *430 *Publication.*

The Legal Intelligencer is designated as the legal publication for the publication of legal notices required to be published by statute, rule or court order.

Note: Former Rule 100; originally Star Rule *233, adopted June 7, 1956, and Star Rule *326. Former Rule *430.2 renumbered and amended 2019, effective _____, 2019.

Editor's Note: Amended May 20, 2004, effective July 26, 2004.

Rule *430.1 *[Reserved.]*

Note: Former Rule 141; adopted by The Board of Judges, originally General Court Regulation 81-6, effective July 14, 1981. Rescinded _____, 2019.

Editor's Note: Amended May 20, 2004, effective July 26, 2004.

Editor's Note: Pa.R.C.P. 430, which supplants this local rule, identifies the prerequisite good faith investigation that must be conducted before seeking service by special order of court.

Rule *440 *Service of Papers.*

- (A) Unless otherwise provided by statute or rule of Court, a copy of each paper filed in any case other than the writ or complaint by which an action is commenced, or other original process, shall be served by the party filing it upon all other parties to the litigation or their attorneys of record. Such service shall be complete upon mailing and proof thereof shall be attached to the paper at the time of filing with the Office of Judicial Records.
- (B) In all cases in which the validity, sufficiency, or constitutionality of an ordinance of city council, or regulation adopted by an executive official pursuant to councilman's authorization, appears from the pleadings to be drawn in question, it shall be the duty of the party raising the same to serve notice thereof, in writing, accompanied by a copy of the pleadings to date, on the City Solicitor within forty-eight (48) hours after the said pleading shall be filed.
- (C) Whenever any person, having been served with a petition, rule, notice, pleading or process, original or interlocutory, fails to appear in response thereto, proof of service of the same must be filed in the case before the Court will act thereon.

Note: Former Rule 42; originally Star Rule *327; paragraph A amended by The Board of Judges, General Court Regulation 86-5, effective August 4, 1986.

Rule *1001 *General Provisions Applicable to Municipal Court Appeals.*

- (a) *Types of Final Orders of the Municipal Court Appealable to the Court of Common Pleas.*
 - (1) Final orders issued by the Municipal Court in connection with money judgments pursuant to 42 Pa.C.S. §1123(a)(4) and (6), and Landlord—Tenant orders pursuant to 42 Pa.C.S. §1123(a)(3), are appealable to the Court of Common Pleas. The proceeding on appeal shall be conducted de novo in accordance with the Rules of Civil Procedures that Civil Division Rules Rule *1001 would be applicable if the action being appealed was initially commenced in the Court of Common Pleas.
 - (2) Final orders issued by the Municipal Court in connection with actions to enjoin a nuisance pursuant to 42 Pa.C.S. §1123(a)(7) and (8) are appealable to the Court of Common Pleas, but the appeal is limited to a review of the record.
 - Note:* 42 Pa.C.S. §1123(a)(8)(a.1) provides that contempt orders issued in connection with nuisance actions shall be heard by the Superior Court of Pennsylvania.
 - (3) *Supplementary Orders.* Orders granting or denying a petition to open a default judgment and any other post-judgment orders are appealable to the Court of Common Pleas, but the appeal is limited to a review of the record.

- (b) *Notice of Appeal.* A Notice of Appeal, substantially in the form set forth below as Attachment 1, shall be filed with the Office of Judicial Records, within the time periods set forth below, and the requisite filing fee shall be paid.
- (c) *Time to File the Notice of Appeal.* A Notice of Appeal shall be filed as follows:
- (1) Money judgment only: within 30 days after the date of the entry of a judgment for money on the dockets of the Municipal Court.
 - (2) Landlord-Tenant, residential lease, possession: within ten (10) days after the date of the entry of a judgment of possession of real property on the dockets of the Municipal Court, if the appeal is for possession of real property only or for both possession and money judgment arising out of a residential lease.
 - (3) Landlord-Tenant, residential lease, money judgment: within thirty (30) days after the date of the entry of a judgment of possession on the dockets of the Municipal Court, if the appeal is only for the money judgment arising out of a residential lease.
 - (4) Landlord-Tenant, non-residential lease: within 30 days after the date of the entry on the dockets of the Municipal Court of judgment for money, or a judgment for possession of real property arising out of a nonresidential lease.
 - (5) Supplementary Orders: within 30 days after the date of the entry of the order on the dockets of the Municipal Court.
- (d) *Service.* The Notice of Appeal shall be served on the appellee as provided by the rules applicable to service of original process in Philadelphia County, as set forth in Pa.R.C.P. No. 400.1. Upon implementation of the Civil Electronic Filing System as provided in Philadelphia Civil Rule *205.4, notice of the filing of the Notice of Appeal will be served on the Philadelphia Municipal Court electronically by the Civil Electronic Filing System.
- Until the Civil Electronic Filing System is implemented, the appellant must serve a copy of the Notice of Appeal on the Philadelphia Municipal Court as required by Pa.R.C.P. No. 400.1.
- (e) *Return of Service.* The appellant must file a return of service as required by Pa.R.C.P. No. 405.
- (f) *Pleadings and Legal Papers.*
- (1) Appeals filed pursuant to Philadelphia Civil Rule *1001(a)(1).
 - i. If the appellant was the plaintiff or claimant in the action before the Municipal Court, he shall file a complaint within twenty (20) days after filing the Notice of Appeal.

- ii. If the appellant was the defendant in the action before the Municipal Court, he shall file with the Notice of Appeal a praecipe requesting the Office of Judicial Records to enter a rule as of course upon the appellee to file a complaint within twenty (20) days after service of the rule or suffer entry of a judgment of non pros.
- iii. When judgments have been rendered on complaints of both the appellant and the appellee and the appellant appeals from the judgment on his complaint or on both complaints, the appellee may assert his claim in the Court of Common Pleas by pleading it as a counterclaim if it can properly be so pleaded in that court. If the appellant appeals only from the judgment on his complaint, the appellee may appeal from the judgment on his complaint at any time within thirty (30) days after the date on which the appellant served a copy of his Notice of Appeal upon the appellee.

Explanatory Note: Pa.R.C.P.M.D.J. No. 1004 is the source of section (f)(1).

- iv. All further pleadings and proceedings shall be in accordance with the Rules of Civil Procedures that would be applicable if the action being appealed was initially commenced in the Court of Common Pleas.
- (2) Appeals filed pursuant to Rule *1001(a)(2) and (3).
- i. Within twenty (20) days of the filing of the Notice of Appeal, the appellant must file a motion with the Office of Judicial Records in compliance with Pa.R.C.P. No. 208.1 et seq. and Phila.Civ.R. *208.2(c) et seq., setting forth the relief requested, and shall attach:
 - a. a copy of the Statement of Claim, the Landlord/Tenant Complaint or Code Enforcement Complaint which was filed in the Municipal Court;
 - b. the stenographic record of the proceeding before the Municipal Court, if available, or proof that transcription of the stenographic record has been ordered; and
 - c. all other documents required to be filed by Philadelphia Civil Rule 208.1 et seq. which is necessary to enable the court to decide the issue presented.
 - ii. All further legal papers and proceedings shall be in accordance with Pa.R.C.P. No. 208.1 et seq. and Phila.Civ.R. *208.2(c) et seq. and with the Rules of Civil Procedures that would be applicable if the action being appealed was initially commenced in the Court of Common Pleas.

(g) *Hearing or Trial.*

- (1) Appeals filed pursuant to Rule *1001(a)(1) shall be scheduled for a hearing at the Arbitration Center, and the case shall proceed as an “Arbitration” Case Type.
- (2) Appeals filed pursuant to Rule *1001(a)(2) and (3) shall proceed as motions, pursuant to Pa.R.C.P. No. 208.1 et seq. and Phila.Civ.R. *208.2(c) et seq. The appeal shall be limited to a determination by the Court whether the Municipal Court committed an error of law or abused its discretion in ruling upon the petition or motion which is the subject of the appeal. Upon the issuance of a dispositive order by the Court of Common Pleas, the action shall be remanded to the Municipal Court for further processing consistent with the order.

- (h) *Striking Appeal.* Upon failure of the appellant who was the plaintiff in the Municipal Court action to file a complaint within twenty (20) days of the filing of the appeal as required by section (f)(1)(i), or upon the failure of the appellant who was the defendant in the Municipal Court action to serve upon the appellee (who was the plaintiff in the Municipal Court action) of a rule to file a complaint, or upon the failure of an appellant to file a motion as required by section (f)(2), the Office of Judicial Records shall, upon praecipe of the appellee, mark the appeal stricken from the record. The Court of Common Pleas may reinstate the appeal upon good cause shown.

Note: Adopted by the Board of Judges of the Court of Common Pleas on May 15, 2008. Promulgated by Order dated May 20, 2008. Effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

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Editor’s Note: Adopted July 3, 2008, effective 30 days after publication in the *Pennsylvania Bulletin*.

Rule *1007.1 *Listing Procedures and Jury Fees.*(A) *Listing Procedure.*

- (1) *Arbitration Cases.* All arbitration cases shall be assigned a trial date in accordance with Philadelphia Civil Rule *1303.
- (2) *Cases Not Assigned to Arbitration.* All other cases (including appeals from arbitration) shall be assigned pursuant to Philadelphia Civil Rule *215.

(B) *Listing Fees.*

- (1) Jury demand shall be made in accordance with Pa.R.C.P. 1007.1. In order to perfect its right to a jury trial and have the case assigned to the Jury list, a party must pay the Jury listing fee at the time of the jury demand.
- (2) When an appeal is filed from an arbitration award rendered pursuant to Philadelphia Civil Rule *1301, the procedure for demanding a jury shall be

as set forth in Pa.R.C.P. 1007.1(b). The jury listing fee shall be paid at the time of the demand.

- (3) With respect to transfers from arbitration to the major case program, the deadlines for demanding a jury and paying the jury listing fee shall be the same as for appeals from arbitration.

Editor’s Note: Amended May 18, 1985, effective 30 days after publication in *Pennsylvania Bulletin*.

Rule *1007.2 *Jury Size in Civil Trials.*

- (A) Except as provided in paragraph (B) below, juries in civil cases shall consist, initially, of eight members. Trials in such cases shall continue so long as at least six jurors remain in service. If the number of jurors falls below six, a mistrial shall be declared upon prompt application therefor by any party then of record.
- (B) Trial by a jury consisting of 12 members may be had if requested in the jury demand at the time it is made or within 30 days thereafter.

Note: Former Rule 220; adopted by The Board of Judges, originally General Court Regulation 72-23, August 2, 1972; amended by General Court Regulation 78-6, October 5, 1978.

Rule *1008 *Municipal Court Appeals as Supersedeas.*

- (A) *General Rule.* Except as provided in section (B), (C) and (D) below, service of a copy of the Notice of Appeal on the Municipal Court through the Court’s electronic filing system operates as a supersedeas. A supersedeas as used in this Rule is a stay of the judgment (so that judgment cannot be executed) in Municipal Court.
- (B) *Supersedeas in Appeals of Judgments of Possession of Real Property Pursuant to Commercial/Non-Residential Leases (Pursuant to Local Rule 1001.2(b)(3)).* When the appeal is from a judgment for possession of real property pursuant to a non-residential lease, receipt by the Municipal Court of a copy of the Notice of Appeal shall operate as a supersedeas only if the appellant/tenant:
 - (1) At the time of the filing of the Notice of Appeal, pays into an escrow account with the Office of Judicial Records a sum of money (or a bond, with surety approved by the Office of Judicial Records) equal to the lesser of (i) three months’ rent or (ii) the rent actually owed on the date of the filing of the Notice of Appeal, based on the Municipal Court judgment; and
 - (2) The appellant/tenant makes monthly deposits with the Office of Judicial Records in an amount equal to the monthly rent which becomes due while the appeal is pending in the Court of Common Pleas. The additional deposits shall be made within thirty (30) days following the date of the filing of the

Notice of Appeal, and every thirty (30) days thereafter.

(C) *Supersedeas in Appeals of Judgments of Possession of Real Property Pursuant to Residential Leases.* (Pursuant to Local Rule 1001.2(b)(1)). When the appeal is from a judgment for possession of real property pursuant to a residential lease, and there is no allegation that the Appellant (tenant) qualifies for low income supersedeas pursuant to Section (d) of this Rule, receipt by the Municipal Court of a copy of the Notice of Appeal shall operate as a supersedeas only if the appellant/ tenant:

- (1) At the time the filing of the Notice of Appeal pays into an escrow account with the Office of Judicial Records a sum of money (or a bond, with surety approved by the Office of Judicial Records) equal to the lesser of (i) three months' rent or (ii) the rent actually owed on the date of the filing of the Notice of Appeal, based on the Municipal Court judgment; and
- (2) The appellant/tenant makes monthly deposits with the Office of Judicial Records in an amount equal to the monthly rent which becomes due while the appeal is pending in the Court of Common Pleas. The additional deposits shall be made within thirty (30) days following the date of the filing of the Notice of Appeal, and every thirty (30) days thereafter.

(D) *Supersedeas for Qualifying Low Income Tenants in Appeals of Judgments of Possession of Real Property Pursuant to Residential Leases.* When the appeal is from a judgment for possession of real property pursuant to a residential lease, and the Appellant (tenant) is a qualifying low income tenant and does not have the ability to pay the lesser of three months' rent or the full amount of the Municipal Court judgment for rent, receipt by the Municipal Court of a copy of the Notice of Appeal shall operate as a supersedeas only if the Appellant (tenant):

- (1) Files with the Office of Judicial Records an In Forma Pauperis Petition requesting to waive the filing fees.
- (2) Files with the Office of Judicial Records, as applicable, either a Tenant's Supersedeas Affidavit (Non-Section 8), substantially in the form set forth below as Attachment 1, or Section 8 Tenant's Supersedeas Affidavit, substantially in the form set forth below as Attachment 2.
- (3) *Payment Amounts*
 - (a) If the rent has already been paid to the landlord in the month in which the Notice of Appeal is filed, the Appellant (tenant) shall pay into an escrow account with the Office of Judicial Records the monthly rent in thirty (30) day intervals from the date the notice of appeal

was filed, and each successive thirty (30) day period thereafter; or

- (b) If the rent has not been paid at the time of filing the Notice of Appeal, the tenant shall pay:
 - (i) at the time of filing the Notice of Appeal, a sum of money equal to one third (1/3) of the monthly rent;
 - (ii) an additional deposit of two thirds (2/3) of the monthly rent within twenty (20) days of filing the Notice of Appeal; and
 - (iii) an additional deposit of one month's rent within thirty (30) days after filing the Notice of Appeal, and each successive thirty (30) day period thereafter. The amount of the monthly rent is the sum of money found by the Municipal Court to constitute the monthly rental for the leasehold premises. When the tenant is a participant in the Section 8 program, however, the tenant shall only pay the tenant share of the rent as set forth in the "Section 8 Tenant's Supersedeas Affidavit" filed by the tenant.
- (c) The Office of Judicial Records shall provide residential tenants who have suffered a judgment for possession with "Supplemental Instructions for Obtaining a Stay of Eviction" as it appears on the website of the Philadelphia Court of Common Pleas at www.courts.phila.gov.

Note: The Supplemental Instructions include both Instructions and Income Limits. The Income Limits are stated in monthly amounts.

- (E) *Issuance of Supersedeas by Office of Judicial Records.* When the requirements of Sections (e)(1) and (e)(2) of this Rule have been met, the Office of Judicial Records shall issue a supersedeas.
- (F) *Release of Escrow During Pendency of Appeal.* Upon application by the landlord, the Court of Common Pleas shall release appropriate sums from the escrow account on a continuing basis while the appeal is pending to compensate the landlord for the tenant's actual possession and use of the premises during the pendency of the appeal.
- (G) *Termination of Supersedeas.*
 - (1) If the tenant fails to make regular rent payments to the Office of Judicial Records as described in paragraphs (B), (C) or (D), the supersedeas may be terminated by the Office of Judicial Records upon praecipe by the landlord or other party to the action. A copy of the court order terminating the supersedeas shall be forwarded (i) by first class mail to attorneys of record and the Civil Electronic Filing System, or, if a party is unrepresented, mailed to the party's last known address of record;

- (ii) served on the Philadelphia Municipal Court electronically by the Civil Electronic Filing System. The landlord may not obtain a writ of possession from the Municipal Court until ten (10) days after the supersedeas is terminated.
- (2) If the Court of Common Pleas determines, upon written motion or its own motion, that the averments within any of the tenant's affidavits do not establish that the tenant meets the terms and conditions for issuance of a supersedeas pursuant to paragraph (D)(2) of this Rule, the Court may terminate the supersedeas. A copy of the court order terminating the supersedeas shall be forwarded (i) by first class mail to attorneys of record, or, if a party is unrepresented, mailed to the party's last known address of record; (ii) served on the Philadelphia Municipal Court electronically. The landlord may not obtain a writ of possession from the Municipal Court until ten (10) days after the supersedeas is terminated.
- (H) *Release of Escrow at Conclusion of Appeal.* If an appeal is stricken or voluntarily terminated, any supersedeas based on the appeal shall terminate. Upon application by the landlord, the Court of Common Pleas shall release appropriate sums from the escrow account after Judicial approval.

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Editor's Note: Adopted July 3, 2008, effective 30 days after publication in the *Pennsylvania Bulletin*. Amended March 8, 2017, effective 30 days after publication in the *Pennsylvania Bulletin*; amended February 17, 2023, effective 30 days after publication in the *Pennsylvania Bulletin*.

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

- (A) *Entry of Appearance.* In order to prevent delay of the litigation, an attorney who enters an appearance for a party shall be deemed to be available and ready to try the case on the assigned hearing or trial date. The hearing or trial date will not be rescheduled due to the entry of appearance of counsel of any party.
- (B) *Simultaneous Withdrawal and Entry of Appearance.* In order to prevent delay of the litigation, an attorney who enters an appearance for a party simultaneously with the withdrawal of appearance of prior counsel in an action shall be deemed to be available to try the case on the assigned hearing or trial date. The hearing or trial date will not be rescheduled due to the entry of appearance of new counsel of any party.
- (C) *Motion to Withdraw.* Leave of Court, obtained through the filing Motion to Withdraw Appearance, is required if another attorney is not entering an appearance simultaneously with the withdrawal of current counsel. The Motion shall set forth with specificity the reasons

the attorney seeks to withdraw. The attorney seeking to withdraw must attach to the Motion to Withdraw a certification setting forth the following:

- (1) that there is not outstanding motion to compel discovery, or for sanctions for failure to provide discovery; and
- (2) that the attorney has met every deadline date set forth in the pertinent Case Management Order, if applicable.

Note: Pennsylvania Rule of Civil Procedure No. 1012 authorizes the entry, or change, of attorneys on behalf of a party provided that the change of attorneys does not delay any stage of the litigation.

Consistently with this Rule, the Board of Judges has determined that entry of new counsel in an action shall not delay the litigation. Thus, attorneys are placed on notice that by entering an appearance, they will be deemed to be ready to proceed to trial as scheduled. The mere fact of the entry of appearance shall not be sufficient cause to postpone the previously scheduled hearing or trial. Similarly, an attorney who seeks leave of court to withdraw must establish compliance with applicable deadlines and rules.

Editor's Note: Adopted March 3, 2000, effective 30 days after publication in the *Pennsylvania Bulletin*; amended May 20, 2004, effective July 26, 2004.

Rule *1018 ***Caption.***

- (a) The case caption shall appear below the attorney address at the left-hand margin of the page with the proper Court Term and Number appearing to the right-hand margin.
- (b) The complaint or other original filing shall contain in the Caption the addresses, including the electronic mail address, and zip codes, of all parties.

Source: Former Philadelphia Civil Rule *205.2(a) (5) and (6). The reference to the inclusion of an electronic mail address has been added.

Editor's Note: Adopted November 15, 2007, effective January 7, 2008. Amended

Rule *1018.1 ***Notice to Defend—Form—Contents.***

- (A) The agency to be contacted for legal help as provided in Pa.R.C.P. 1018.1(b) is:
Philadelphia Bar Association
Lawyer Referral and Information Service
One Reading Center
Philadelphia, Pennsylvania 19107
Telephone (215) 238-1701
- (B) The notice required shall also be given in Spanish. The Spanish version is as follows:

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Note: Former Rule 102; originally Star Rule *1918, adopted May 15, 1975, effective July 1, 1975; amended February 21, 1980, effective March 7, 1980; amended by The Board of Judges, General Court Regulation number 85-10, effective October 1, 1985.