

## **LOCAL RULE 208.3(a)**

### **PROCEDURES FOR THE DISPOSITION OF MOTIONS**

#### **1. SCOPE**

(a)(i) As used in this rule, "motion" means any application to the court made in any civil action or proceeding except as provided by subdivisions (b)(1) and (2) of Pa.R.C.P. No. 208.1.

NOTE: The term "motion" as used in Pa.R.C.P. No. 208.1 and in this local rule does not include preliminary objections (governed by Local Rule 1028(c)), motions for judgment on the pleadings (governed by Local Rule 1034), motions for summary judgment (governed by Local Rule 1035), or petitions to open a default judgment or a judgment of non pros (governed by Local Rule 206.4(c)).

(ii) This court has not promulgated a local rule, numbered Local Rule 208.3(b), because this court has not imposed requirements for the filing of a response or a brief with respect to any motions.

(iii) This local rule does not govern motions filed in asbestos litigation and cases otherwise designated by the court for special management (Pa.R.C.P. Nos. 1041.1 and 1041.2), class actions, and any other cases which, by court order, have been assigned to a judge where the order provides for this judge to consider any motions which the parties file.

#### **2. GENERAL DOCKET CASES--GENERAL PROVISIONS**

(a) Motions described in Local Rule 208.3(a)(3) shall be presented to the Calendar Control Judge, motions described in Local Rule 208.3(a)(4) shall be presented to the

Motions Judge, and motions described in Local Rule 208.3(a)(5) shall be presented to the Special Motions Judge. Litigants may contact the Chief Motions Clerk (412-350-5644) if they are uncertain as to which of the judges should hear a particular motion.

(b) A motion may be presented only after service of the copy of the motion and notice of the date of presentation on all other parties. Except in cases of emergency or with the consent of all other parties, the date of presentation shall be at least ten (10) days after service of a copy of the motion and the notice of the date of presentation.

NOTE: The court does not schedule the date and time of presentation. The petitioner selects a date and time at which the appropriate judge is scheduled to hear motions. See "Civil Division" on the Website of the Common Pleas Court of Allegheny County ([www.pittsburghcourts.us](http://www.pittsburghcourts.us)) for the name and courtroom of the judge who is sitting as the Calendar Control Judge, Motions Judge, or Special Motions Judge and the times at which unscheduled matters may be presented. Ordinarily, motions may be presented each day to the General Motions Judge at 9:30 A.M. and 1:30 P.M.; motions may be presented to the Special Motions Judge only on Fridays; and motions may be presented to the Calendar Control Judge at 1:30 P.M. on days on which there is a call of the list and at 9:30 A.M. on other days on which motions are being heard. Check the Website; it will be current.

(c) There is no requirement for the filing of a response or the filing of briefs prior to presentation. However, the parties are encouraged to submit briefs when it is anticipated that the court will wish to consider briefs before deciding the issue.

### 3. CALENDAR CONTROL JUDGE

(a) Motions in any case that has been listed for trial on a published trial list shall be presented to the Calendar Control Judge. This includes all motions that would otherwise have been heard by the Motions Judge or the Special Motions Judge.

NOTE: The docket will show if a case has been listed for trial on a published trial list. For docket entries, go to [prothonotary.county.allegheny.pa.us](http://prothonotary.county.allegheny.pa.us) (no www. or .com) and click on "Case Search" (in upper right corner).

(b) In any case, including a case that is not on a published trial list, all motions relating to the following matters shall be presented to the Calendar Control Judge:

(i) the compromise, settlement, and discontinuance of an action to which a minor is a party; and

NOTE: See Local Rule 2039 for the procedures governing a petition presented pursuant to Pa.R.C.P. No. 2039.

(ii) the compromise, settlement, and discontinuance of an action to which an incapacitated person is a party.

NOTE: See Local Rule 2064 for the procedures governing a petition presented pursuant to Pa.R.C.P. No. 2064.

#### 4. MOTIONS JUDGE

(a) For any General Docket case that is not on a published trial list, motions and petitions relating to the following matters shall be presented to the Motions Judge:

(i) opening or striking default and confessed judgments;

(ii) requests for preliminary or special injunctive relief;

NOTE: Enforcement of a court order providing preliminary or special injunctive relief shall be presented to the judge who issued the court order.

(iii) relief provided for in replevin actions under Rules of Civil Procedure Nos. 1075.1 to 1086;

(iv) relief provided for in the Rules of Civil Procedure governing enforcement of money judgments (Rules 3101 to 3291) except for discovery in aid of execution which is presented to the Special Motions Judge;

NOTE: These matters are presented to the Motions Judge for all General Docket cases, including cases that have appeared on a published trial list.

(v) requests to proceed in forma pauperis in General Docket and Arbitration proceedings; and

(vi) continuances of any arguments on the General Argument List.

(b) In any General Docket case that is not on a published trial list, any motions that are not required to be presented to the Special Motions Judge (see subdivision 5(a) of this Local Rule) or to the Motions Judge (see subdivision 4(a) of this Local Rule) may be presented to either the Motions Judge or the Special Motions Judge.

## 5. SPECIAL MOTIONS JUDGE

(a) For any General Docket case that is not on a published trial list, motions relating to the following matters shall be presented to the Special Motions Judge:

(i) discovery;

(ii) pleadings (other than preliminary objections) including amendments, joinder of parties, late joinder of additional defendants;

(iii) preliminary objections filed by an additional defendant if the Special Motions Judge entered an order permitting the late joinder;

(iv) withdrawal and disqualification of counsel;

(v) discontinuances, consolidation, severance, coordination of actions in different counties (Rule 213.1), placing/striking cases at issue;

(vi) entry and opening of judgments of non pros;

(vii) transfers between Arbitration and General Docket;

(viii) certificates of merit (Pa.R.C.P. No. 1042.1 et seq.); and

(ix) dismissal upon affidavit of noninvolvement (Pa.R.C.P. No. 1036).

(b) In any General Docket case that is not on a published trial list, any motions that are not required to be presented to the Motions Judge (see subdivision 4(a) of this Local Rule) or to the Special Motions Judge (see subdivision 5(a) of this Local Rule) may be presented to either the Motions Judge or the Special Motions Judge.

(c) All uncontested matters may be presented to the Special Motions Judge on Fridays at 10:00 A.M., 12:00 Noon, and 2:00 P.M. For contested motions, the moving party may obtain a Friday argument date and time, in person or by telephone, from the Assignment Room (700 City-County Building, 412-350-5463) between 1:30 P.M. and 4:30 P.M.; or the moving party may place the matter on a 2:00 P.M. Add-On List any time after 8:30 A.M. on the Friday on which it will be argued. The Add-On List is located in Courtroom 815.

NOTE: There is no limit on the number of cases that can be placed on the Add-On List. Consequently, a party may schedule an argument by giving at least ten (10) days notice to the other parties that a matter will be placed on the Add-On List.

## 6. ARBITRATION CASES

(a)(i) Except as provided in the following subdivisions (a)(ii), (a)(iii), and (a)(iv), all motions involving arbitration cases shall be heard by the Special Motions Judge.

(ii) In forma pauperis petitions will be presented to the Motions Judge.

(iii) Requests for the continuance of an arbitration case will be presented to the Calendar Control Judge. The party seeking a continuance will present to the Calendar Control Judge an Adjournment of Hearing Form which may be obtained from an Arbitration Clerk in Room 537 of the Allegheny County Courthouse.

NOTE: For cases that have not been previously continued, if all parties agree, the Chief Arbitration Clerk has the authority to sign the "Green Sheet" continuing the case.

(iv) Motions filed after an arbitration award has been appealed shall be presented to the Special Motions Judge unless they affect the timing of the trial of the case, in which event they shall be presented to the Calendar Control Judge.

(b) The original and a copy of any motion shall be taken to an Arbitration Department Clerk (Room 537, Allegheny County Courthouse). The clerk will place on the original and the copy of the motion a time and date (usually on a Friday at 10:00 A.M.) for an argument before the Special Motions Judge. The clerk will file the original with the Prothonotary and return the copy to the party filing the motion. This party shall immediately serve copies of the motion on all other parties with notice of the date and time of the argument.

NOTE: The Arbitration Office's scheduling a motion for an argument on a date after the date of the arbitration hearing does not continue the arbitration hearing unless the moving party obtains a continuance pursuant to paragraph 6(a)(iii) of this Local Rule.