

Actions at Law / Civil Action / Pleadings

Local Rule 1018.1 Notice to Defend Form.

- (1) The agency to be named in the notice to defend accompanying complaints filed in the Court of Common Pleas of Allegheny County, Pennsylvania shall be:

Lawyer Referral Service
Allegheny County Bar Association
11th Floor Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219
Telephone: (412) 261-5555

- (2) The agency to be named in the notices required by Pa.R.C.P. 237.1, 237.4, 237.5, 430, 1910.25, 1910.27, 1915.12, 1915.15, 1915.16, 1920.71, 1920.73, 3146 and 3252 shall be:

Lawyer Referral Service
Allegheny County Bar Association
11th Floor Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219
Telephone: (412) 261-5555

Editor's Note: Effective December 4, 2006.

Local Rule 1028(c) Procedures for the Disposition of Preliminary Objections.

(1) **General Docket Cases.**

- (a) (i) Preliminary objections shall be taken to the Chief Motions Clerk.

Note: The Chief Motions Clerk (telephone number 412-350-5644) will be in the Courtroom of the Motions Judge. See "Civil Division" on the Website of the Common Pleas Court of Allegheny County (www.alleghenycourts.us) for the name and Courtroom of the judge who is sitting as the Motions Judge.

- (ii) Except for preliminary objections raising a question of venue, which is governed by subdivision (d) of this local rule, the Chief Motions Clerk shall schedule the time and date for an argument before the Motions Judge.

Note: If preliminary objections are filed to preliminary objections, these preliminary objections will be scheduled for argument at the same time as

the argument for the preliminary objections which are the subject of the preliminary objections.

In cases of multiple defendants, if any other defendants have not filed responsive pleadings at the time another defendant files preliminary objections, the Chief Motions Clerk will not schedule an argument on these preliminary objections sooner than sixty (60) days after filing.

- (iii) The Chief Motions Clerk will file the preliminary objections with the Prothonotary.
 - (iv) The party filing the preliminary objections shall promptly serve copies of these preliminary objections on all other parties with notice of the date and time of the argument, if such has been set.
- (b)
- (i) Except for preliminary objections raising issues of fact, which are governed by subdivision (c), and preliminary objections raising a question of venue, which are governed by subdivision (d), a brief and proposed order of court, each separately tabbed under the same cover sheet, shall be attached to all preliminary objections. No preliminary objections will be accepted by the Chief Motions Clerk until a brief is attached. Failure to attach a brief shall be cause for denial of the preliminary objections.
 - (ii) Any party opposing preliminary objections shall file a brief in opposition to the preliminary objections at least seven (7) days prior to the argument.
 - (iii) A brief shall not exceed ten (10) double-spaced pages except in cases designated complex or where permitted by order of court entered pursuant to a motion presented to the Motions Judge.
- (c)
- (i) Where preliminary objections contain grounds raising issues of fact under Pa.R.C.P. 1028(a)(1), (5), or (6), they: shall be titled on the cover sheet "Preliminary Objections Raising Questions of Fact"; shall be endorsed with a notice to plead; shall not have a brief attached; and will be scheduled for argument not sooner than ninety (90) days after filing.
 - (ii) All evidence that the parties wish the court to consider shall be filed with the Prothonotary at least twenty (20) days prior to the argument.
 - (iii) The party that filed the preliminary objections shall file its brief at least fourteen (14) days prior to the argument; the parties opposing

the preliminary objections shall file their briefs at least seven (7) days prior to argument.

- (d) (i) If the preliminary objections include the ground of improper venue, they: shall be titled on the cover sheet "Preliminary Objections Raising Questions of Venue"; shall be endorsed with a notice to plead; shall be accompanied by a brief and proposed order of court, as provided for in paragraph (1)(b) of this local rule; and shall include all preliminary objections as required under Pa.R.C.P. 1028(b).

Note: If the preliminary objections raise only improper venue, a brief is not required.

- (ii) Preliminary objections raising questions of venue will be decided by the Calendar Control Judge. The Chief Motions Clerk shall notify the Calendar Control Judge of the filing of the preliminary objections raising a question of venue and the Calendar Control Judge shall instruct the parties as to how these preliminary objections will be resolved.
- (iii) The Calendar Control Judge will rule only on the venue preliminary objections. If there are jurisdictional preliminary objections, the Calendar Control Judge may also decide these. If the preliminary objections are overruled, the Calendar Control Judge will issue a court order which directs the parties to obtain an argument date before the Motions Judge on the remaining preliminary objections.
- (e) This local rule does not govern preliminary objections filed in eminent domain proceedings, asbestos litigation and cases otherwise designated by the Court for special management (Pa.R.C.P. 1041.1 and 1041.2), class actions, cases designated as complex, and other cases specially assigned by an order of court to a single judge.

(2) **Arbitration Proceedings.**

- (a) The original and a copy of the preliminary objections shall be taken to an Arbitration Department Clerk (Room 536, Allegheny County Courthouse). The clerk will place on the original and the copy of the preliminary objections a time and date (usually 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 preliminary objections. This party shall promptly serve copies of the preliminary objections on all other parties with notice of the date and time of the argument.

Note: The filing of preliminary objections or the Arbitration Office's scheduling the preliminary objections 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 Local Rule 208.3(a)(6)(a)(iii).

- (b) If the preliminary objections raise issues of fact, at the initial argument the Special Motions Judge shall issue an order describing the manner in which any factual disputes will be resolved.
- (c) There are no requirements for the filing of briefs.
- (d)
 - (i) The moving party, after contacting all other parties, shall notify an Arbitration Department Clerk prior to the argument (412-350-5625) if the matters raised in the preliminary objections are resolved. Otherwise, if the moving party does not appear on the date of the argument, the court will enter an order dismissing the preliminary objections for failure of the moving party to appear.
 - (ii) The moving party, after a discussion with other parties, shall notify an Arbitration Clerk if the preliminary objections are moot because of the filing of an amended pleading.

Editor's Note: Adopted October 4, 2006.

Local Rule 1034(a) Procedures for the Disposition of a Motion for Judgment on the Pleadings.

(1) General Docket Cases.

- (a)
 - (i) The original and a copy of the motion for a judgment on the pleadings shall be taken to the Calendar Control Office (Room 734 of the City-County Building). A member of the staff shall place on the original and a copy of the motion the date of the argument list on which the motion will be argued.

Note: Motions for judgment on the pleadings filed before 2:00 P.M. on the fortieth (40th) day before the next argument list will be placed on that list. Motions filed fewer than forty (40) days before the date of the next argument list will be placed on the following argument list. No motion for judgment on the pleadings shall be placed on an argument list or otherwise scheduled for argument if the case has appeared on a published trial list prior to the filing of the motion without an order of court entered by the Calendar Control Judge. See Note to Local Rule 208.3(a)(2)(b) for the Courtroom and procedures for presenting matters to the Calendar Control Judge.

- (ii) The original copy of the motion shall be returned to the moving party who shall immediately file the motion with the Prothonotary.
- (iii) After the motion has been filed with the Prothonotary, the moving party shall promptly serve copies of the motion for judgment on the pleadings on all other parties with notice of the date of the argument list on which the motion will be argued.

Note: Argument lists are placed under "Civil Division" on the Website of the Common Pleas Court (www.alleghenycourts.us) at least thirty (30) days before the date scheduled for argument. The list will identify the judge who will hear the argument.

- (iv) If the motion has been resolved, the moving party shall promptly notify the court. Prior to the publication of the argument list, notice shall be given to the Calendar Control Clerk (412-350-5417). After publication of the argument list, notice shall be given to the secretary of the judge to whom the argument has been assigned.
- (v) The brief of the moving party and proposed order of court shall be attached to the motion under the same cover and separately tabbed. Any party opposing the motion must file a brief at least seven (7) days prior to the argument and furnish a copy of the brief to the judge to whom the argument is assigned.

- (b) This rule does not govern motions for judgment on the pleadings filed in asbestos litigation and cases otherwise designated by the court for special management (Pa.R.C.P. 1041.1 and 1041.2), class actions, cases designated as complex, and other cases specially assigned by an order of court to a single judge.

(2) **Arbitration Proceedings.**

- (a) The original and a copy of the motion for judgment on the pleadings shall be taken to an Arbitration Department Clerk (Room 536, 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 promptly 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 judgment on the pleadings for an argument on a date after the date of the arbitration hearing does

not delay the arbitration hearing unless the moving party obtains a continuance pursuant to Local Rule 208.3(a)(6)(a)(iii).

- (b) There are no requirements for the filing of briefs. Frequently, the motion refers to the controlling legislation and case law.
- (c) The moving party, after contacting the other parties, shall notify an Arbitration Department Clerk (412-350-5625) if the motion is withdrawn. Otherwise, if the moving party does not appear on the date of the argument, the court will enter an order dismissing the motion for failure of the moving party to appear.

Editor's Note: Adopted October 4, 2006.

Local Rule 1035.2(a) Procedures for the Disposition of a Motion for Summary Judgment.

(1) General Docket Cases.

The procedures for the disposition of a motion for summary judgment are identical to the procedures for the disposition of a motion for judgment on the pleadings described in Local Rule 1034(a)(1), and in addition a response in opposition to the motion shall be filed as provided for in Pa.R.C.P. 1035.3.

(2) Arbitration Proceedings.

The procedures for the disposition of a motion for summary judgment are identical to the procedures for the disposition of a motion for judgment on the pleadings described in Local Rule 1034(a)(2).

Editor's Note: Adopted October 4, 2006.

Local Rule 1038 Trial Without Jury.

- (1) One or more judges, as required, will be assigned to hear non-jury cases during the period scheduled for jury trials.
- (2) Parties who elect to have their case tried without a jury after a demand for jury trial has been filed shall enter into and file the following written stipulation:

"The undersigned parties in the above captioned case at law hereby agree that it shall be tried by a Judge without a jury in accordance with Pa.R.C.P. 1038."

Editor's Note: Effective December 4, 2006.

Local Rule 1042.26(b) Medical Professional Liability Actions. Expert Reports.

In this jurisdiction, unless there is a case-specific Order to the contrary or a published trial list with contrary deadlines, the provisions of Pa.R.C.P. 1042.26 through 1042.38 apply to medical professional liability actions.

Note: If deadlines set forth in a published trial list appear to contradict deadlines otherwise calculated in these rules, the earlier deadline will prevail.

Note: See Local Rule 4003.5 as to expert reports in professional and product liability actions.

Editor's Note: Effective December 4, 2006.