

RULE L206.4(c). RULE TO SHOW CAUSE.

(1) Issued as of course.

A rule to show cause shall be issued by the Court as of course upon petition pursuant to Pa.R.C.P. 206.6. The rule to show cause shall direct that an answer to the petition must be filed within twenty (20) days after service of the petition on any respondent unless the Court directs that an answer be filed within a shorter period of time. The Court may, in appropriate circumstances, dispense with the necessity of filing an answer all together.

(2) Steps that the moving party must take:

(a) The moving party must file a petition with the Prothonotary or by way of the process governing the filing of contested motions as set forth in Cra.R.C.P. 208.3(a).

Comment

It is preferred that a petition seeking only the issuance of a rule to show cause shall be filed with the Prothonotary so as to not inconvenience a responding party by requiring the responding party to appear in Motions Court.

(b) The moving party shall attach to the petition a proposed order. The form of the proposed order shall be as set forth in Pa.R.C.P. 206.5, with alternative provisions in paragraph 4, so that the Court may determine whether to proceed with depositions or an evidentiary hearing on disputed issues of material fact.

(c) The moving party must indicate, in a thoroughly considered and good faith manner, the amount of time the moving party anticipates that an evidentiary hearing or argument will take.

(d) The moving party must comply with the required pre-filing notice set forth in Cra.R.C.P. 208.3(a)(6).

(e) The Court will determine whether to proceed by deposition or an evidentiary hearing on disputed issues of material fact.

(f) The moving party must comply with the required Service Of Order Entered rule set forth in Cra.R.C.P. 208.3(a)(10).

(3) Request for stay.

If a moving party requests a stay of execution pending disposition of

a motion to open a default judgment:

(a) The petition must be filed in Motions Court in accordance with the rules governing contested motions as set forth in Cra.R.C.P. 208.3(a).

(b) A proposed order shall be attached and shall include the stay provisions the moving party requests.

(c) The Court will exercise its discretion as to whether to grant a stay and the terms and conditions of any stay after hearing from the parties in Motions Court or, if a protracted argument and more deliberate consideration is required, at a date and time to be set by the Court.