

RULE L208.3(a). MOTIONS PROCEDURE. MOTIONS COURT.

(1) Motions Court session.

There shall be a session of the Court for the presentation of motions, appropriate requests and applications, every Monday, Wednesday and Friday at 8:45 o'clock a.m., except on holidays and other times when no judge is available ("Motions Court"). The business of the Court, in open Court or in chambers, shall not be interrupted by the presentation of motions or requests and applications, except where the Court, by statute or rule, is required to be available, and except for emergencies.

(2) Filing.

(i) Uncontested motions shall be filed in the Office of the Prothonotary. Contested motions may be filed in the Office of Prothonotary or in Motions Court. The Prothonotary shall place appropriate stamps and notations on each motion, make an appropriate docket entry, and promptly forward the motion to the Court Administrator for presentation to a Judge and the entry of an appropriate order.

(ii) Simultaneously with the filing of a motion in the Office of the Prothonotary, the moving party shall serve a copy, clearly marked as a "copy," upon the Court Administrator. The Court Administrator is not required to act or respond to a "copy."

(iii) Motions, appropriate requests and applications intended for consideration by a motions Judge, shall be presented in Motions Court and are not required to be filed in the Office of the Prothonotary in advance of such presentation. The Prothonotary or a designee shall be present at every session of Motions Court to receive such papers for filing.

(3) Emergencies.

In the case of a true emergency, a motion, appropriate request or application, shall be presented to the Court Administrator who will immediately refer the matter to a Judge for consideration. If a moving party claims that an emergency exists, the nature of the emergency and the reasons why any required notice could not be given must be set forth in the motion, request or application being filed.

(4) Uncontested motions. Definition.

Uncontested motions are defined as those

(a) Where all parties or their counsel of record have consented to the

motion and order. Counsel may certify that all parties or their counsel have consented, or attach written consents.

(b) Where the proposed order seeks only a rule to show cause with the return hearing or argument date and no such other further relief.

(c) Where the proposed order seeks only the appointment of a master, mediator or hearing officer and no such other further relief.

(5) Continuances.

Absent exceptional circumstances, motions for continuances shall be presented no later than ten (10) days before the date of the proceeding for which the continuance is requested. Thereafter, no motions for continuance will be granted except for substantial reasons which were not previously known or reasonably ascertainable. A request for a continuance based on proceedings scheduled in another Court may not be granted unless that Court's scheduling order was issued before the order scheduling the proceedings for which the continuance is requested. If the motion is based on a conflict with the matter scheduled in another Court of Common Pleas, the scheduling order from the other Court shall be attached to the motion. By signing a motion to continue, an attorney is representing to the court that the attorney's client has been consulted and is aware of the motion.

(6) Required pre-filing notice.

Before any motion is filed, the moving party shall serve a copy of the motion, request or application, and any proposed order, and a statement of the date and time of the intended presentation to counsel of record and any unrepresented party at least three (3) business days in advance of the presentation. Service may be accomplished personally, by first class mail or by facsimile transmission. Service shall be made pursuant to Pa.R.C.P. 440.

(7) Cover sheet.

A cover sheet in the following form shall be attached to each contested and uncontested motion and every copy of the same that is filed or served:

(8) Verification.

A motion that sets forth facts not of record shall be properly verified.

(9) Suggested order.

Every motion, request and application shall have attached thereto a

suggested order granting the relief that is requested by the moving party.

(10) Service of order entered.

All orders entered by the Court after the presentation of a motion, request or application shall be served upon all opposing parties or their counsel by the moving party within three (3) business days after the entry of the order by the Court. Service of a conformed order is sufficient. As a courtesy, the Prothonotary may furnish a copy of the actual order at a later date, but the responsibility of the moving party to effectuate service is not relieved thereby.

Comment

The purpose of this rule is to process motions, requests and applications as efficiently as possible. Uncontested motions will move through the system quickly, should be clearly identified as "uncontested" and must be filed with the Prothonotary. Contested motions may either be filed in the Office of the Prothonotary or in Motions Court. The use of Motions Court practice is greatly encouraged for all matters which are not likely to require lengthy evidentiary hearings or involve argument on complex legal issues. Counsel desiring to take advantage of the Motions Court practice must be diligent in complying with the notice requirements as a matter of fundamental fairness.