

RULE L212.1. CIVIL ACTIONS TO BE TRIED BY JURY. NOTICE OF EARLIEST TRIAL DATE. TIME FOR COMPLETING DISCOVERY AND FILING PRETRIAL STATEMENT NONJURY TRIALS.

(1) Jury trials in civil actions shall be held:

(a) In the months of February, April and October, as designated in the Court calendar published annually by the Court Administrator by the last day of the preceding year.

(b) At such other times specially set by the Court.

(2) Nonjury trials in civil actions shall be held on dates certain to be set by the Court Administrator after the close of the civil trial list.

(3) Notice of earliest trial date.

The earliest trial date will be the first trial term following the date when the case is at issue and all pretrial procedures have been completed.

(4) Trial lists and pretrial procedures.

Unless the Court, upon a party's or its own motion enters a case management or scheduling order, the procedure for moving a case to trial is as follows:

(a) Completion of discovery.

Unless an extension of time is agreed to in writing by all parties or permitted by the Court upon cause shown, all discovery shall be completed within 75 days after a party has given notice to all other parties to do so. The notice may be given at any time after the pleadings are closed, shall specifically refer to the time limitation provided herein, shall be filed in the office of the Prothonotary and copies shall be served on all other parties.

(b) Certificate of readiness.

To place the case on the trial list, counsel for a party or an unrepresented party shall file a certificate of readiness with a copy to be served on all other parties in accordance with Pa.R.C.P. 440 and with a certificate of service attached thereto. The certificate of readiness shall affirmatively state that the pleadings are closed, that discovery has been completed and that all preliminary matters have been concluded. A party that files a certificate of readiness may not be granted a continuance of the trial by reason of not being ready.

A non-filing party who does not file timely objections to the certificate of readiness may not be granted a continuance by reason of not being ready. Whether the case is to be tried by a jury or nonjury must be stated clearly on the cover sheet. This does not affect the right to a jury trial or the manner in which a jury trial must be demanded.

(c) Consent to trial listing.

If a certificate of readiness is signed by or on behalf of all parties, then discovery shall be deemed to be completed whether or not any party has complied with the notice to complete discovery.

d) Objection to certificate of readiness.

Any party or counsel who objects to the filing of a certificate of readiness shall file a Motion to Strike in Motions Court within 14 business days after receipt of the certificate of readiness. The Motion to Strike must specifically state the reasons for the objection.

e) Trial lists.

Upon receipt of a certificate of readiness, the Prothonotary shall list the case for the trial term that begins at least 75 days after the date the certificate of readiness was filed and shall give a written notice to all parties of the date and time for the first day of trials.

(f) Compilation and publication of jury and nonjury trial lists.

At the close of any trial list, the Prothonotary shall compile a list of the cases in chronological order according to the date the certificate of readiness was filed, giving preference, however, in the preparation of trial lists, to cases described in Pa.R.C.P. 214. The list shall be posted on the bulletin board in the Prothonotary's office, five (5) copies shall be sent to the Court Administrator and one (1) copy mailed to each attorney of record and non-represented parties promptly.

(g) Dates when pretrial statements are due.

(i) A pretrial statement shall be filed by all plaintiffs within 30 days after certificate of readiness is filed.

(ii) Pretrial statements shall be filed by all defendants and all additional defendants within 45 days after the certificate of readiness is filed.

(iii) The Court may not set a pretrial conference or a trial date in any case where any party has failed to file a pretrial narrative.

(h) Call of trial list.

There will not be a call of the civil trial list. Matters that historically were taken up at the call of the civil trial list in Crawford County will only be brought to the attention of a judge in response to a motion filed in accordance with motions practice.

(5) Status Conferences.

(a) Status conferences may be ordered by the Court on its own or upon written motion of a party, which motion shall set forth reasons in support of a request for a status conference. The Court may enter appropriate orders at the conclusion of the status conference.

(b) The Prothonotary in conjunction with the District Court Administrator shall enter an "Order Setting Mandatory Status Conference for Docket Inactivity" for the Court scheduling a mandatory status conference for any case for which there has been no docket activity for a period of 90 consecutive days. The order shall be in a form consistent with Exhibit L212.1(5)(A).

Each counsel of record or any party for which there is not counsel of record shall be given at least thirty (30) days written notice of the mandatory status conference in a manner consistent with Pa.R.Civ.P. 440 and Rule L440.

The Prothonotary shall not be required to schedule a mandatory status conference pursuant to this Rule for any case that is pending for termination pursuant to Cra.Rule LJA1901.

At least ten (10) days prior to the scheduled mandatory status conference, a party may file a "Motion for Cancellation of Mandatory Status Conference" in a form consistent with Exhibit L212.1(5)(B) which shall include a certification consistent with Exhibit 208.3(a) of the Local Rules that notice has been provided to all other parties through counsel of record or directly to any party that is unrepresented.

The Prothonotary, upon receiving any such "Motion for Cancellation of Mandatory Status Conference" shall promptly transmit that motion to the Court for consideration as to whether the mandatory status conference shall be cancelled by an Order of the Court.

If the Court enters an order cancelling a mandatory status conference pursuant to a "Motion for Cancellation of Mandatory Status Conference" any other party may move to reschedule that mandatory status conference in a manner consistent with Cra.R.C.P. L208-3a.

(6) Special management cases.

(a) Any party may file a motion for special management status with a proposed order in keeping with motions practice. The motion shall be filed at any time up to 60 days after the close of the pleadings and shall state the reasons for the request. The Court on its own may designate a case for special management.

(b) Criteria for special management may include any of the following:

- (i) Large number of parties.
- (ii) Large number of claims or defenses.
- (iii) Complex factual or legal issues.
- (iv) Large volume of evidence.
- (v) Problems locating or serving evidence.
- (vi) Extensive discovery.
- (vii) Exceptionally long time to prepare for disposition.
- (viii) Exceptionally short time needed for a decision.

(ix) Need to decide preliminary issues before final disposition.

(c) Special management designation shall be made at the discretion of the Court. Cases granted special management status shall be assigned to an individual Judge.

(d) After a case has been given special management designation all subsequent filings shall include, under the civil action number on the cover page, the words "SPECIAL MANAGEMENT: ASSIGNED TO JUDGE _____."

(e) After the Court has granted special management designation any party may request, by motion, or the Court may, on its own, schedule a status conference to address, inter alia, the following:

(i) Discovery issues.

(ii) Issues involving experts.

(iii) Pretrial motions.

(iv) Settlement conferences, mediation or other alternative dispute resolution.

(v) Management and scheduling provisions.

(vi) Establishing tentative trial dates.

Comment

Status conferences may be beneficial for several reasons. For instance, at the early stages of a case, it may be appropriate that a case specific scheduling order be established. Likewise, at the later stages of the case, the parties may want to set a schedule for the disposition of the case that calls for shorter time periods than those set forth in these rules in order to bring a case to trial much faster. Status conferences may not be necessary in every case, but can afford a perfect opportunity for the parties and the Court to meet, discuss and determine the best path and schedule that the case should take.

Comment

In compulsory arbitration cases these rules only apply if an appeal is taken.