

RULE L307. ARGUMENTS AND ARGUMENT LISTS.

(1) Applicability.

This rule applies to matters to be listed for argument for which there is no specific local rule governing the manner in which arguments shall be heard. See for instance Cra.R.C.P. 1034(a) and 1035.2(a) covering motion for judgment on the pleadings and motion for summary judgment, respectively.

(2) Argument List.

The Prothonotary shall keep an Argument List Watch Book and shall enter all causes or matters in any civil action requiring argument upon praecipe of any party in interest or at the direction of the Court or Court Administrator.

The praecipe that is filed to place a matter on the argument list must identify the matter(s) that is/are to be argued.

(3) Argument Court.

Sessions of Argument Court shall be established by the Court Administrator in the annual court calendar. Generally, the Court reserves the last Monday of each month for Argument Court. Counsel should consult the last available schedule. All causes or matters which have been set down for argument more than thirty (30) days before a session of Argument Court shall be listed for that session of Argument Court.

(4) Notice.

At the close of the Argument List, the Prothonotary shall forthwith deliver a copy of the List to each attorney appearing for any party and to any unrepresented party in any case listed and shall post a copy of the List on the Prothonotary's bulletin board. Delivery to attorneys shall be effected, in the case of attorneys whose principal office is located in the City of Meadville, by placing a copy in the attorney's box in the Prothonotary's office or by fax, and in the case of attorneys whose principal office is located outside the City of Meadville, by mailing the same by ordinary mail to the address on the last pleading or by fax. Delivery to an unrepresented party shall be by first class mail to the last known address of record.

(5) Briefs.

(a) The moving party shall file its brief at the time it files a praecipe for

argument. The Prothonotary shall not list the case for argument until that has occurred.

(b) Where the praecipe for argument is filed by the responding party, the praecipe shall contain thereon a certification that service of the praecipe has been made upon all other parties.

(c) If the matter is placed for argument by the responding party, the moving party shall file a brief at least fifteen (15) business days prior to the session of Argument Court at which the case is to be argued.

(d) The responding party in all cases shall file a brief at least five (5) business days prior to the session of Argument Court at which the case is to be argued.

(6) Form of Briefs.

Briefs shall conform to Cra.R.C.P. 210.

(7) Supplemental Briefs.

Supplemental briefs filed after the time for filing regular briefs, or after oral argument, shall be filed only upon special allowance by the Court, in which case the Court shall set the time within which such supplemental brief shall be filed. If the party desiring to file a supplemental brief fails to do so within the time limit established, the Court shall proceed to determine the matter without the supplemental brief.

(8) Default of Brief.

If a matter has been set down for argument upon praecipe of a responding party and the moving party fails to file a brief within the time limitations set forth in this rule, the matter may be dismissed by the Court upon motion of the responding party.

(9) Order of Argument.

Each party shall be allotted 15 minutes for argument unless extended or limited by the court. Unless the Court shall otherwise direct at argument, counsel for the moving party shall begin and conclude the argument.

(10) Emergency Arguments.

On cause shown and on reasonable notice to all parties, the Court may schedule an argument in the particular matter at a regular session of Argument Court or at some other time, and can make other provisions for the filing of briefs.

(11) Submission on Briefs.

Upon written consent of all parties in interest and with the consent of the

Judge to which a matter is assigned for argument, the matter may be submitted upon briefs without oral argument. If a matter has been submitted on briefs, and the Judge determines after review of the briefs that oral argument is necessary, the case shall be scheduled for oral argument by special order.

(12) Continuances.

Cra.R.C.P. 208.3(a)(5) governing continuances of trials shall apply equally to Argument Court. When an argument is continued, the Prothonotary shall automatically list the case for the next available Argument Court.