

RULES CONCERNING THE DISPOSITION OF PETITIONS, MOTIONS AND PRELIMINARY
OBJECTIONS IN THE FIFTY-EIGHTH JUDICIAL DISTRICT OF PENNSYLVANIA (MIFFLIN
COUNTY)

LOCAL RULE 206.1(a). Petitions.

In addition to an application to open a default judgment or a judgment of non pros, a party seeking relief from the court shall proceed by petition and rule when the party is seeking an order which is not otherwise covered by any statute or rule of civil procedure governing motions.

LOCAL RULE 206.4(c). Issuance of Rule to Show Cause.

(1) A rule to show cause shall issue as a matter of course pursuant to Pa.R.C.P. 206.6.

(2) The procedure following the issuance of the rule to show cause shall be in accordance with Rule 206.7, Pa.R.C.P.

(3) To secure a rule to show cause, the original petition shall be filed with the Prothonotary of Mifflin County and shall be accompanied by a proposed order in the format prescribed by Rule 206.6(c). The Court Administrator shall then present the petition and order to the judge for consideration, establish a rule returnable date, and a hearing date. The Court Administrator shall return the original petition and rule to show cause to the Prothonotary with copies being served upon all counsel and unrepresented parties in accordance with the Pennsylvania Rules of Civil Procedure. The petitioner shall file a certificate of service verifying service. If the petitioner seeks a stay or if there is a demand for emergency relief, petitioner shall notify opposing counsel or an unrepresented party in advance of the date and time of presentation.

LOCAL RULE 208.2 (d). Uncontested Motions. Certification

A motion will be treated as uncontested when the moving party appends to it a certificate that counsel has conferred with all interested parties with respect to the matter and has been affirmatively advised that there are no objections to the relief sought in the proposed order.

LOCAL RULE 208.2(e). Discovery Motions. Certification.

Any motion relating to discovery shall include certification signed by counsel for the moving party certifying that counsel has conferred or attempted to confer with all interested parties in a good-faith effort to resolve by agreement the issues raised by the motion without court intervention, together with a detailed explanation why such agreement could not be reached. If part of the issues raised by the motion have been resolved by agreement, the statement shall specify the issue(s) so resolved and the issue(s) remaining unresolved.

LOCAL RULE 208.3(a). Motion Procedure

- (1) Motions are defined in Pa.R.C.P. 208.1.
- (2) In addition to the requirements regarding the content of a motion found in Pa.R.C.P. 208.2, all motions shall contain a statement as to whether a hearing or argument is requested and the estimated length of time. Also, there shall be a statement as to whether discovery is necessary.
- (3) All motions, except motions for emergency relief, along with a proposed order shall be filed with the Prothonotary along with a praecipe to place the motion on the current argument court list.
- (4) The Prothonotary shall then present the filed motion and praecipe to the Court Administrator who shall issue a scheduling order detailing the manner in which the motion shall be heard by the court.

(5) Motion seeking emergency relief may be presented directly to a judge on any day the court is in session. An order detailing the manner of disposition and service will be entered by a judge after consideration of the motion. Notice shall be given in advance to opposing counsel or any unrepresented party of the date and time of presentation of any motion for emergency relief.

LOCAL RULE 1028(c). Preliminary Objections. Procedure for Disposition.

(1) All preliminary objections shall be accompanied by a proposed order. A brief is not required at the time of filing the preliminary objections.

(2) After twenty (20) days from service of the preliminary objections, if an amended pleading has not been filed, any party may file a praecipe with the Prothonotary to place the preliminary objections on the current argument list.

(3) The Court Administrator shall then issue a scheduling order detailing the manner in which the preliminary objections shall be heard by the court.

LOCAL RULE 1034(a). Motion for Judgment on the Pleadings. Procedure.

After the filing and service of a motion for judgment on the pleadings, and any response thereto, any party may file a praecipe with the Prothonotary to place the motion on the current argument list. Subsequently, the Court Administrator shall issue a scheduling order detailing the manner of disposition of the motion.

LOCAL RULE 1035.2(a). Motion for Summary Judgment. Procedure.

After the filing and service of a motion for summary judgment, the moving party may file a praecipe with the Prothonotary to place the motion on the argument list. Subsequently, the Court Administrator shall issue a scheduling order detailing the manner of disposition of the motion.