

# THE COURTS

## Title 255—LOCAL COURT RULES

### MONTGOMERY COUNTY

**Rescission of Rules 212\*(g)—(k); Adoption of Rules 212.1\*, 212.1\*(d) and 212.2(a)(7)\*; Doc. No. 98-00001**

#### Order

*And Now*, this 11th day of May, 1998, the Court rescinds Montgomery County Local Rules of Civil Procedure 212\*(g), (h), (i), (j) and (k), and approves and adopts Montgomery County Local Rules of Civil Procedure 212.1\*, Rule 212.1\*(d) and Rule 212.2(a)(7)\*. These Rules shall become effective thirty (30) days from the date of publication in the *Pennsylvania Bulletin*.

The Court Administrator is directed to publish this Order once in the *Montgomery County Law Reporter* and in the *Legal Intelligencer*. In conformity with Pa.R.C.P. 239, seven (7) certified copies of the within Order shall be filed by the Court Administrator with the Administrative Office of Pennsylvania Courts. Two (2) certified copies shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*. One (1) certified copy shall be filed with the Civil Procedure Rules Committee. One (1) copy shall be filed with the Prothonotary, one (1) copy with the Clerk of Courts, and (1) copy with the Court Administrator of Montgomery County, one (1) copy with the Law Library of Montgomery County and one (1) copy with each Judge of this Court.

*By the Court*

JOSEPH A. SMYTH,  
*President Judge*

**Rule 212\*(g). Settlement Conference. [ Rescinded ].**

**Rule 212\*(h). Settlement Conference List. [ Rescinded ].**

**Rule 212\*(i). Rules Pertaining to Settlement Conference List. [ Rescinded ].**

**Rule 212\*(j). Conduct of Settlement Conferences. [ Rescinded ].**

**Rule 212\*(k). Certification Required for Trial List Without Settlement Conference. [ Rescinded ].**

**Rule 212.1\*. Civil Actions to be tried by jury. Civil Actions to be tried non-jury. Equity Actions. Notice of earliest trial date. Time for filing pre-trial statements.**

(a)\* The Court hereby extends Pa.R.C.P. 212.1 and 212.2 to apply to civil actions to be tried non-jury, and to equity actions. The notice of first listing for trial, generated by the Court Administrator's Office at least 50 days prior to said trial date, shall serve as notice of the earliest trial date required by Pa.R.C.P. 212.1(a).

(b)\* All pre-trial statements are to be filed in the Prothonotary's Office not later than fourteen (14) days prior to the earliest trial date.

*Comment:* Pursuant to Pa.R.C.P. 212.1(c)(2), Montgomery County has altered the times set for the filing of pre-trial statements as set forth in Pa.R.C.P. 212.1(b). This Rule applies to matters that are certified for trial pursuant to Local Rule of Civil Procedure 212.1\*(d).

#### **Rule 212.1\*(d). Certification Required for Trial List.**

(1) Certification shall be by all parties.

(2) Certification shall state that no motions are outstanding and that all discovery has been completed.

(3) No discovery shall be permitted after certification unless by agreement of counsel or permission of Court.

(4) If any attorney refuses to join in certification of the case, counsel who wishes the case listed shall request a conference with the designated Judge, and give five days' notice of that appointment to other counsel. Thereafter the Judge shall rule on whether the case is ready for listing and may order the case listed on motion of counsel if in the opinion of the Court the case is ready for certification.

*President Judge's note:* Local Rule 212.1\*(c) Conferences—Members of the Bar are advised that the Board of Judges has agreed to discontinue the practice of ordering cases on the civil trial list where discovery has not been completed, and allowing for discovery to be ongoing. Delays in completing discovery may be addressed through traditional available mechanisms; court orders, with sanctions for failure to comply.—President Judge Joseph A. Smyth, February 1998.

#### **Rule 212.2(a)(7)\*. Pre-Trial Statement. Content.**

Pursuant to Pa.R.C.P. 212.2(a)(7), the pre-trial statement shall include the following additional information:

- (i) the estimated length of trial;
- (ii) any scheduling problems;
- (iii) any special evidentiary issues;
- (iv) a realistic settlement offer or demand.

[Pa.B. Doc. No. 98-848. Filed for public inspection May 29, 1998, 9:00 a.m.]