

THE COURTS

Title 255—LOCAL COURT RULES

FAYETTE COUNTY

Local Rule 212.1: Pre-Trial Statements; No. 1706 of 2015GD

Order

And Now, this 26th day of August, 2015, pursuant to Rule 239 of the Pennsylvania Rules of Civil Procedure, it is hereby ordered that Local Rule 212.1 is amended as set forth as follows.

The Prothonotary is directed as follows:

(1) One certified copy of the Local Rule shall be filed with the Administrative Office of Pennsylvania Courts.

(2) Two certified copies and diskette of the Local Rule shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

(3) One certified copy of the Local Rule shall be sent to the State Civil Procedural Rules Committee.

(4) One certified copy shall be sent to the Fayette County Law Library.

(5) One certified copy shall be sent to the Editor of the *Fayette Legal Journal*.

This Local Rule shall be continuously available for public inspection and copying in the Office of the Prothonotary. Upon request and payment of reasonable costs of reproduction and mailing, the Prothonotary shall furnish to any person a copy of any local rule.

This Local Rule shall be effective 30 days after the date of publication in the *Pennsylvania Bulletin*.

By the Court

JOHN F. WAGNER, Jr.,
President Judge

Rule 212.1. Pre-trial Statements.

(a) *Time tables:*

(1) All plaintiffs, within twenty (20) days after the 240 day period, or the extension thereof, shall file their pre-trial statements with the Prothonotary.

(2) All original defendants, within twenty (20) days of the filing of the plaintiff's pre-trial statements, shall file their pre-trial statements with the Prothonotary.

(3) All other parties, within twenty (20) days of the filing of original defendants' pre-trial statements, shall file their pre-trial statements with the Prothonotary.

(b) The pre-trial statement shall contain:

(1) A brief narrative statement of the essential facts upon which liability is asserted or denied.

(2) The legal issues involved and legal authorities relied upon.

(3) A list of the names and addresses of all witnesses the party expects to call, which witnesses shall be classified as liability or damage witnesses.

(4) A specific description of damages.

(i) Any party seeking to recover damages for personal injuries shall attach to their pre-trial statement, if not previously provided to all parties, a written authorization to inspect and make copies of the records and reports of any physician, hospital or clinic by whom or where said party may have been examined, treated, or hospitalized for the injuries or disabilities complained of, and covering prior injuries or disabilities where the same may be relevant.

(ii) A list of the damages that the party intends to claim and prove at trial.

(5) The settlement status of the case.

(6) A realistic estimate of the trial time required for presentation of their case, as well as total trial time required.

(7) There shall be attached to the pre-trial statement:

(i) A copy of all reports containing findings or conclusions of any physician who has treated or examined the party or has been consulted in connection with any injuries complained of and whom the party expects to call as a witness at the trial of the case. If timely production of any report is not made, the testimony of such physician shall be excluded at the trial except upon consent of all parties or upon express order of the Court.

(ii) A copy of all reports containing findings or conclusions of any expert who has been consulted in connection with the matters involved in the case and whom the party expects to call as a witness at the trial of the case. If timely production of any report is not made, the testimony of such expert shall be excluded at the trial except upon consent of all parties or upon express order of Court.

(8) Upon failure of any party to file a pre-trial statement within the time required, upon motion the Court may impose the sanctions provided in Pa.R.C.P. Sec. 4019(c). Also, the Court may order other appropriate relief including, but not limited to, the barring of testimony, assessment and awarding of attorney fees, and expenses and costs to opposing counsel.

(9) Counsel, upon agreement of all parties, or upon Order of Court, may file a supplemental pre-trial statement up to the time of trial as long as such filing does not delay trial. Supplemental statements may include additional claims for damages, additional damage and/or liability witnesses, expert witnesses, and/or exhibits intended to be used at trial.

[Pa.B. Doc. No. 15-1646. Filed for public inspection September 11, 2015, 9:00 a.m.]