

Local Rules of Civil Procedure—Venango County

Rule 205.2. Filing Papers with the Prothonotary. Cover Sheet

(b) All motions must be accompanied by a cover sheet substantially in the following form:

**IN THE COURT OF COMMON PLEAS OF VENANGO COUNTY, PENNSYLVANIA
NOTICE TO OPPOSING COUNSEL**

Plaintiff

v.

Defendant

YOU ARE HEREBY NOTIFIED THAT THE ATTACHED MOTION/PETITION AND SUPPORTING BRIEF WILL BE FILED WITH THE PROTHONOTARY ON: _____

CASE #: _____

TYPE OF MOTION/PETITION: _____

FILED ON BEHALF OF: _____ (Plaintiff/Defendant)

CERTIFICATE OF NOTICE AND SERVICE

The undersigned represents that a true and correct copy of this Motion/Petition and proposed Order have been served on: all counsel; and/or all parties, if no counsel of record by: First Class Mail; Hand Delivery; or Fax

If by First Class Mail, notice will be at least seven (7) business days before filing. If by Fax or Hand Delivery, notice will be at least five (5) business days before filing.

INFORMATION FOR COURT ADMINISTRATOR

Has a judge heard any matter previously in this case? Yes No

Judge Oliver Lobaugh President Judge H. William White Other: _____

Name of opposing counsel, if known: _____

Counsel for the movant is unavailable for argument on the Motion on the following dates:

MOTION CERTIFICATION

Counsel does hereby certify that counsel has has not conferred with opposing counsel and counsel: consents; states that counsel does not oppose; or states that counsel does oppose.

Dated: _____ /s/ _____
Attorney for Movant

Rule 205.5. Providing Pleadings and Other Legal Papers to the Court.

In addition to properly filing all pleadings and other legal papers with the Prothonotary, parties are encouraged, but not required, to submit any and all pleadings and other legal papers to the court via email or floppy disk.

Rule 206.4. Rule to Show Cause

(c) The issuance of a rule to show cause shall be discretionary with the court and shall be in accordance with Pa.R.C.P. 206.5.

(d) The petition seeking the issuance of a rule shall be supported with an appropriate statement of authority citing a statute, rule of court, or case law in support of the requested relief. The statement may be in the form of a brief filed contemporaneously with the petition, or in a petition that does not raise complex legal and/or factual issues, the statement may be in the body of the petition itself.

(e) Attached to the petition shall be a proposed order in the form prescribed in Pa.R.C.P. 205.6(d). The court in its discretion may delete paragraphs (4) and (5) of the form order (regarding discovery and argument) and provide instead that the matter will proceed before the court on an evidentiary hearing to resolve disputed issues of fact. The court may also enter an order to require the filing of briefs or to authorize discovery to proceed other than by deposition.

(f) Any request for stay of execution pending disposition of a petition to open judgment shall be filed by separate motion.

(g) The petition and any motion seeking a stay of execution shall be scheduled for argument and/or hearing by the District Court Administrator and it is not necessary for the moving party to request a hearing and/or argument.

Rule 208.2. Motion. Form. Content.

(h) Every motion shall be supported by a brief statement of the applicable authority citing a statute, rule of court, or case law. The statement may be in the form of a brief filed contemporaneously with the motion, or where the motion does not raise complex legal and/or factual issues, the statement may be in the body of the motion itself.

(i) The moving party is required to certify, by checking the appropriate box on the cover sheet required by Local Rule 205.2(b), whether the motion is contested or uncontested.

(j) The moving party is required to certify, by checking the appropriate box on the cover sheet required by Local Rule 205.2(b), whether he or she has conferred or attempted to confer with all interested parties regarding the motion.

Rule 208.3. Motions Practice and Procedure.

(a) There will be no set Motions Court. The moving party will file the motion with the Prothonotary for docketing, and the Prothonotary will transmit the motion to the District Court Administrator for consideration by a Judge. If the moving party wants oral argument on the motion or to meet with the Judge about the motion, he or she should contact the District Court Administrator to schedule a time. The lawyer shall be prepared to accurately estimate the amount of time required. The motion will have appended to it a Proposed Show Cause Order where indicated and a Proposed Final Order on the Motion.

(b) In all cases the responding party shall file a response and a brief, if appropriate, within twenty (20) days after service of the motion.

Rule 211.1. Argument Court. Praecept for Argument. When Held.

(a) Whenever a matter at issue involves a question of law only and no evidentiary hearing is required for determination thereof, any party or counsel desiring to submit such matter to the court may file a praecipe for argument.

(b) Argument Court shall be held on the dates scheduled on the court calendar, which is approximately once a month, or as otherwise ordered by the court.

(c) Cases for argument shall be placed on the argument docket at least thirty (30) days prior to argument court.

Rule 211.2. Argument Court. Filing and Content of Briefs.

(a) The moving party shall file a brief with the Prothonotary, which shall be docketed, simultaneously with the filing of the praecipe for argument. If the moving party has not filed a praecipe for argument, the brief of the moving party shall be due fourteen (14) days after any of the responding parties have filed a praecipe for argument.

(b) A responding party's reply brief shall be filed with the Prothonotary and docketed within seven (7) days of the filing of the moving party's brief.

(c) All briefs must include:

- (1) A procedural summary, which includes an analysis as to why the issue is before the court;
- (2) A synopsis of the relevant facts with reference to where they appear in the record;
- (3) A statement of questions involved;
- (4) A summary of pertinent law; and
- (5) An analysis of the party's position.

Rule 211.3. Argument Court. Failure to File a Brief. Late Briefs.

(a) If the moving party has failed to file a brief or where the motion does not raise complex legal and/or factual issues, the moving party has failed to include a statement of applicable authority in the body of the motion, the motion shall, in the discretion of the judge, be dismissed or not considered.

(b) If any party's brief is not timely filed, the court will sanction, which shall include:

- (1) The party being barred from oral argument; and
- (2) Such other sanctions as the court deems appropriate.

Rule 212.1. Civil Actions to be Tried by Jury. Listing for Trial. Time for Filing Pre-Trial Statement.

(a) The parties can list a case for trial by filing a praecipe with the Prothonotary. A case may be placed on the trial list after it is at issue and there are no unresolved motions before the court.

(b) The court calendar shall list civil pre-trial conference days. All cases listed for trial shall be scheduled for the next pre-trial conference day. The court calendar shall also recite when the argument list and trial list closes.

(c) Pre-trial statements shall be filed no later than seven (7) days before the pre-trial conference.

Rule 212.2. Civil Actions to be Tried by Jury. Pre-Trial Statement. Content.

(a) In addition to the requirements of Pa.R.C.P. 212.2, a pre-trial statement shall contain:

- (1) A statement of the status of discovery, which shall include whether any further discovery is required and a proposed schedule for completing discovery;
- (2) A statement of the status of the scheduling of an independent medical examination;
- (3) A statement of the status of any depositions for use at trial;
- (4) A statement of novel questions of law, including whether any motions in limine will be filed; and
- (5) A statement of damages with a detailed analysis of the claim, including the manner of calculating damages.

Rule 212.3. Pre-Trial Conference.

(a) Trial counsel must be present at the pre-trial conference unless:

- (1) Trial counsel is at trial in another court; or
- (2) Trial counsel otherwise has the court's permission and substitute counsel attends (in all cases, substitute counsel will be thoroughly familiar with the case and prepared to discuss and resolve all outstanding issues).

(b) The parties are not required to appear at the pre-trial conference but may appear. At the very least, the parties must be available by telephone. If the parties are not present, counsel shall be fully vested with settlement authority. Where settlement authority is coming from an insurance company, a company representative with settlement authority shall attend or be available by telephone.

(c) The court shall establish a trial date, taking into consideration the requests of all parties and their counsel. Once the trial date is set at the pre-trial conference, it shall be firm.

(d) The court shall discuss trial alternatives such as a summary trial. This court intends to use a summary trial for any jury trial that is expected to last more than three (3) days.

(e) The court shall determine whether to regulate further discovery.

(f) In jury trials, the court shall discuss settlement. In non-jury trials, the court shall discuss settlement only with the consent of all parties.

(g) The court shall dictate an order in the presence of counsel that:

- (1) Memorializes all material matters discussed at the conference;
- (2) Schedules trial;
- (3) Addresses further discovery;
- (4) Discusses pending trial depositions;
- (5) Addresses motions in limine;
- (6) Addresses voir dire questions;
- (7) Places responsibility for the preparation and delivery of verdict slips, proposed findings, trial briefs, and requested points for charge; and
- (8) Directs counsel to have all exhibits pre-marked—plaintiffs/numbers, defendants/letters—and available for inspection at jury selection.