

## **RULE 208.3(a) – MOTION PROCEDURE**

- (1) General Procedure.
  - (a) Motions are defined in Pa.R.C.P. 208.1. All motions not covered by Local Rule 208.3 (a)(3) shall be deemed uncontested motions.
  - (b) In addition to the requirements regarding the content of a motion found in Pa.R.C.P. 208.2, Dauphin County Local Rules 208.2 (c) and 208.2(d) regarding concurrence certification, all motions shall contain the following information:
    - (i) whether a hearing or argument is requested and the estimated length of time needed for the hearing or argument; and
    - (ii) whether discovery is necessary.
    - (iii) a copy of the previous Court Order if the motion directly involves that previous Court Order.
  - (c) An original and one copy of a motion shall be filed with the Prothonotary and a copy served on all other parties.
  - (d) The Prothonotary shall forward the original motion to the Court Administrator's Office and shall retain the copy in the file.
  - (e) All motions and answers or responses thereto shall be accompanied by a proposed order (or alternative orders). The proposed order(s) shall contain a distribution legend which shall include the name(s) and mailing address(es), telephone number(s), facsimile number(s) and e-mail address(es), if any, of all attorneys and self-represented parties to be served. The distribution legend shall identify which party each person represents.
- (2) Uncontested Motions.
  - (a) The Court Administrator's Office shall determine whether the uncontested motion should be ruled upon by the Motion Judge or if it should be assigned to an individual judge for disposition, which decision shall be final. If the uncontested motion seeks to modify an order previously issued by the Court, the Court Administrator shall present it to the judge who signed the previous order, who may act upon the motion or forward it to the Court Administrator's Office for re-assignment.

- (b) If the Court Administrator's Office determines that the uncontested motion should be assigned to an individual judge, the Court Administrator's Office shall assign the motion to a judge who has had prior significant involvement with the case or, if no judge has had prior significant involvement, to a judge on a rotating basis.
- (c) The Court Administrator's Office shall forward the uncontested motion to either the Motion Judge or the Assigned Judge for disposition as aforesaid.
- (d) The Assigned Judge or Motion Judge, as the case may be, shall review the motion and issue an appropriate order pursuant to Pa.R.C.P. 208.4.
- (e) If the Assigned Judge determines that argument is advisable to be heard before a three-judge panel, the Assigned Judge and the Court Administrator's Office shall make the necessary scheduling arrangements for such panel argument.

(3) Contested Motions.

A party filing a contested motion or a motion deemed contested pursuant to Dauphin County Local Rule 208.3(b)(1) shall follow the procedure set forth in Dauphin County Local Rule 208.3(b).

(4) Emergency Motions:

- (a) Motions that genuinely require an expedited disposition shall be designated as Emergency Motions by the filing party and clearly indicated as such in the title of the motion contained on the first page thereof.
- (b) The attorney or self-represented party shall promptly notify the Deputy Civil Court Administrator's Office by telephone as soon as it is determined that an Emergency Motion will be filed, and shall give the Deputy Civil Court Administrator's Office a realistic estimate of the date and time of the intended filing, a description of the background of the motion, and the requested relief.
- (c) An original and one copy of the Emergency Motion shall be filed with the Prothonotary.
- (d) After filing, the original shall be hand-carried by counsel or the self-represented party to the Deputy Court Administrator's Office, and the Prothonotary shall retain the copy in the file. When handing the

emergency motion to the Deputy Court Administrator's Office, the filing party shall advise the Office that the filing is an emergency.

- (e) The Court Administrator's Office shall assign the Emergency Motion to a judge to be resolved as soon as practical.
- (5) Except for motions seeking to modify previous orders, see Local Rule 208.3(a)(2)(a), all issues relating to the administration, filing, and processing of judicial assignments relating to motions shall be under the direction and supervision of the Civil Calendar Judge.
- (6) Additional rules regarding discovery motions are found in Local Rule 4019, especially those relating to a Motion for Sanctions.

COMMENT: Rule 208.3(a) is amended to provide instructions regarding contested and uncontested motions.