

RULE 208.3(b) -- CONTESTED MOTIONS

- (1) In accordance with Dauphin County Local Rule 208.2(d), if a moving party certifies that concurrence has been denied by a party or if a party fails to respond to the inquiry regarding concurrence within a reasonable time, said motion shall be deemed contested.
- (2) Any party who fails to concur to the motion and/or the proposed order shall file an original and one copy of a response and a proposed alternative order within twenty (20) days after service of the motion, unless the time for filing the response is modified by written agreement of counsel, court order, or enlarged by another local or state rule of court.
- (3) If twenty (20) days following service of the motion has expired or after the expiration of the time modified by written agreement of counsel, court order, or enlarged by another local or state rule of court, and a response to the motion has been filed or if a response has not been filed, either party may file an original and one copy of a Certificate of Readiness with the Prothonotary. The Prothonotary shall forward the original Certificate of Readiness to the Court Administrator's Office and retain a copy in the file. The Court Administrator's Office, under the direction and supervision of the Civil Calendar Judge, shall promptly 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. The Certificate of Readiness form is available in the Prothonotary's Office, in the Court Administrator's Office and online at the Dauphin County website at www.dauphincounty.org. Parties filing a Certificate of Readiness form must ensure that the most current form is utilized. Failure to utilize the most current form shall result in the rejection of the Certificate of Readiness.
- (4) If a party fails to file a timely response pursuant to this rule, the Court may, treat the motion as uncontested or enter an order under Pa.R.C.P. 208.4.

COMMENT: Rule 208.3(b) is promulgated to provide the procedure for contested motions or motions that are deemed contested. All motions should contain a certification that opposing counsel and/or pro se parties have been provided a copy of the proposed motion and proposed order. The motion must indicate whether opposing counsel and/or pro se parties concur. If concurrence has been denied or if a party fails to respond to the inquiry within a reasonable time, the motion is deemed contested. A party who fails to concur **MUST** file a response within twenty (20) days after service of the motion. When a response is filed or when twenty (20) days has expired, any party may file a Certificate of Readiness and check the box in Section A which reads Contested Civil Motions. The purpose of the rule is to provide for the automatic response requirement

without the delay of the issuance of a rule to show cause and to provide for the assignment of the matter to a judge when it is ready for disposition.