

IN RE: : IN THE COURT OF COMMON PLEAS OF
: CUMBERLAND COUNTY, PENNSYLVANIA
:
LOCAL RULES : 1996-1335
1028(c); 1034(a); 1035.2(a) :
:

ORDER OF COURT

AND NOW, this 13th day of July 2022, it is hereby Ordered and Decreed, that effective thirty (30) days after publication in the Pennsylvania Bulletin, the Cumberland County Court of Common Pleas **amends local rules 1028(c); 1034(a); 1035.2(a)**

ARGUMENT COURT

Rule 1028(c). Preliminary Objections.

All preliminary objections shall be filed with the Cumberland County Prothonotary's Office. Thereafter, the issues raised will be disposed of at regular sessions of argument court, which shall be scheduled as part of the annual court calendar. The procedure for disposition of matters at argument court shall be as follows:

- 1) The Prothonotary shall maintain the argument court list.
- 2) A case may not be listed for argument until either 1) all briefing requirements have been met, or 2) the time for the briefing schedule has elapsed. A brief with two copies, limited to twenty (20) double-spaced pages (unless *prior* court approval has been granted), containing a statement of facts, discussion of the issues and reference to all authorities relied upon, shall be filed with the Prothonotary concurrently with the preliminary objections. The objecting party shall furnish the briefs and serve a copy of the brief upon opposing counsel and any unrepresented party. The responding party shall furnish briefs in a similar manner within twenty (20) days of the date of service of the objecting party's brief. Argument may be denied to any party who fails to comply with the filing requirements of this paragraph. If the party seeking the order has not filed a timely brief in accordance with this rule, the Court may deny the relief sought on that basis alone.
- 3) A case shall be listed for argument by filing a praecipe, in duplicate, with the Prothonotary. The party listing the case for argument shall serve a copy of the praecipe on all counsel and any unrepresented party. The case shall be decided on briefs unless any party requests oral argument by praecipe. The request for oral argument must be made by the listing party at the time the case is listed for argument. A request for oral argument by any other party must be made by filing and serving on all other parties a praecipe no later than twenty (20) days before the scheduled argument court date.
- 4) The argument list shall be closed forty (40) days prior to the date for argument. The list shall then be prepared by the Prothonotary and the cases shall be set out in order of their listing. Upon

the closing of the argument list, the Prothonotary shall furnish notification by regular mail to all attorneys and unrepresented parties who have cases listed for argument.

5) One week prior to argument, the Court Administrator, at the direction of the President Judge, shall prepare the final list of cases to be argued, and the judge or judges to hear each case. The list of assigned cases shall be listed in the Prothonotary's Office six (6) days prior to the date for argument.

6) Issues raised, but not briefed, shall be deemed abandoned.

7) References in any brief to parts of the record appearing in a reproduced record shall be to the pages and the lines in the reproduced record where said parts appear, e.g., "(r. pg. 30 l. 15)." If references are made in the briefs to parts of the original record not reproduced, the references shall be to the parts of the record involved, e.g., "(Answer p. 7)," "(Motion for Summary Judgment p. 2)."

8) Counsel or any party presenting oral argument shall be limited to fifteen (15) minutes unless prior permission is granted to extend argument in a complex case.

9) Briefs will be retained by the Prothonotary and will be on the record.

10) All agreements for continuances and/or withdrawals shall be communicated to the Court Administrator no later than two (2) days prior to argument court.

Rule 1034(a).

Motions for Judgment on the Pleadings. Motions for judgment on the pleadings shall be filed with the Cumberland County Prothonotary's Office and disposed of in the same manner as preliminary objections in accordance with Rule 1028(c).

Rule 1035.2(a).

Motions for Summary Judgment. All motions for summary judgment shall be filed with the Cumberland County Prothonotary's Office and disposed of in the same manner as preliminary objections in accordance with Rule 1028(c).

The Cumberland County District Court Administrator is Ordered and Directed to do the following:

1. File one (1) copy to the Administrative Office of Pennsylvania Courts via email to adminrules@pacourts.us.
2. File two (2) paper copies and one (1) electronic copy in a Microsoft Word format only to bulletin@palrb.us with the Legislative Reference Bureau for publication in the Pennsylvania Bulletin.
3. Publish these Rules on the Cumberland County Court website at www.ccpa.net.
4. Incorporate the local rule into the set of local rules on www.ccpa.net within thirty (30) days after the publication of the local rule in the Pennsylvania Bulletin.
5. File one (1) copy of the local rule in the appropriate filing office for public inspection and copying.
6. Forward one (1) copy to the Cumberland Law Journal.

By the Court,



Edward E. Guido, P.J.