

Rule 208.3(b) - Alternative Procedures

(1) This rule shall govern disposition of:

(a) rules to show cause to which responses in opposition have been filed;

Note: See B.C.R.C.P. No. 208.3(a)(2) and 206.4(c)(4)(a).

(b) preliminary objections;

Note: See B.C.R.C.P. No. 1028(c).

(c) motions for judgment on the pleadings;

Note: See B.C.R.C.P. No. 1034(a).

(d) motions for summary judgment;

Note: See B.C.R.C.P. No. 1035.2(a).

(e) objections to written discovery requests; and

(f) such other miscellaneous applications as may be designated by the Court.

(2) Subject to the requirements of Pa.R.C.P. No. 206.7, when the matter is at issue and ready for decision, the moving party on the application shall, by praecipe, order the same to be submitted for disposition pursuant to this rule. The praecipe shall be substantially in the form set forth in Bucks County Rule of Civil Procedure 208.3(b)(7).

No pleading requiring a response under Pa.R.C.P. 1026 shall be moved for disposition under this rule until the time for response has lapsed.

The following shall accompany the praecipe and pleading being submitted for disposition:

(i) A proposed form of order;

(ii) A brief or memorandum of law in support of each position taken with regard to

the disposition of the matter; and

(iii) A certificate establishing the date of service of the above documents on all counsel and unrepresented parties, and the addresses at which they were served.

Within ten days of the date of filing of the above praecipe and its accompanying documents, every party opposing the application of the moving party shall file a brief or memorandum of law with the clerk of the court, serving copies of same on all other parties. The Court, in its discretion, may extend the time for filing of briefs or memoranda of law.

(3) If any party shall fail to file a brief or memorandum of law on any issue presented for disposition by the judge within the time provided by subsection (b) hereof, or within the time as extended by the Court, the Court, in its discretion, may consider that such party has abandoned his position with respect to such issue for disposition.

(4) At the expiration of ten full days following the filing by the moving party of the praecipe mentioned in subsection (2) of this rule, the clerk shall forthwith deliver the whole record together with the file, the briefs or memoranda of law, to the judge to whom the case has been assigned.

(5) Subject to the requirements of Pa.R.C.P. No. 206.7, any other party may by praecipe forward a matter to the Court for dismissal of the application at issue when the party who submitted it does not comply with the provisions of subsection (2) of this rule. Written notice of the intent to file under this subsection shall be given to the party whose application is at issue at least ten days prior to such submission, during which period of time the non-complying party shall have the opportunity to come into compliance with the requirements of subsection (2). An affidavit of service of such notice shall accompany the praecipe filed under this subsection. A proposed form of order shall also accompany the praecipe. For the purpose of Pa.R.C.P. No. 206.7, a party initiating action under this subsection shall be considered the petitioner.

(6) Unless oral argument has been requested by the moving party in the praecipe, or by any other party within the 10-day period specified in subsection (2) hereof, the matter shall be disposed of by written order, forthwith or after such further proceedings including oral argument as may be required by the Court. If oral argument has been requested by a party or otherwise required by the Court, the Court may schedule the case for argument either by telephone conference, argument in chambers or in open Court within thirty (30) days of the filing of the praecipe. Disposition of the matter shall then proceed pursuant to the provisions of Bucks County Rule of Civil Procedure *210(a) and (b), the Court fixing the time and order of filing of briefs. Argument before an en banc panel shall be at the sole discretion of the Court.

(7) The praecipe shall be substantially in the following form:

IN THE COURT OF COMMON PLEAS
BUCKS COUNTY, PENNSYLVANIA

_____ : No. _____

v. :

_____ :

Praecipe Under Bucks County Rule of Civil Procedure 208.3(b)

TO THE PROTHONOTARY:

Please refer the above-captioned matter to the assigned judge for disposition.

Oral argument is is not requested. (CHECK ONE)

Matter for disposition:

(signature)

(name)

(Attorney I.D. #)