

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY

CIVIL TRIAL DIVISION

ADMINISTRATIVE DOCKET No. 05 OF 1994

Procedure for Disposition of Municipal Court Appeals

O R D E R

AND NOW, this 17th day of March, 1994, IT IS HEREBY ORDERED and DECREED that the Order issued on December 30, 1993, no. 04 Administrative Docket amending Philadelphia Civil Rue ★1301, is further amended and supplemented as set forth hereunder.

Effective Monday, April 4, 1994, Appeals from Orders or Judgments of the Municipal Court involving Landlord and Tenant matters and other civil actions will be filed as provided by Philadelphia Civil Rules Nos. 310, 311, 312, and 313; provided, however, that they will not be listed for a Compulsory Arbitration Hearing or assigned to a Motion Court Judge, as applicable, but will be scheduled for disposition before a Judge of the Municipal Court of Philadelphia who has been assigned to preside as a Judge of the Court of Common Pleas by the President Judge of the Court of Common Pleas of Philadelphia pursuant to Section 9(b) of the Act of July 9, 1976, P.L. 586, no. 146 as affected by the Act of December 20, 1982, P.L. 1409, no. 326, §316 [See 42 Pa.C.S. §4121].

IT IS FURTHER ORDERED and DECREED that Philadelphia Civil Rule 313(C) is amended by deleting therefrom the word "Motion."

Appeals from Orders and Judgments of the Municipal Court shall be scheduled in a Courtroom designated by the Administrative Judge of the Trial Division. The Court of Common Pleas shall provide a Certified Shorthand Reporter to record all proceedings. The Municipal Court shall provide all other courtroom support staff.

All Motions and Petitions filed in connection with Municipal Court appeals shall be filed with the Prothonotary and Motion Court as provided by local rules of court and shall be assigned for disposition to the President Judge of Municipal Court or his or her designee, who has been duly assigned to preside as a Judge of the Court of Common Pleas as provided above.

In the event a timely jury trial demand is made by one or more parties and the appropriate fees have been paid, the case shall be scheduled for a jury trial before one of the judges of the Municipal Court who has been duly assigned to preside as a Judge of the Court of Common Pleas. In such cases, the Court of Common Pleas shall provide a Certified Shorthand Reporter and a General Tipstaff.

All Municipal Court Appeals presently listed for a Compulsory Arbitration Hearing shall be rescheduled for a trial in Courtroom 910, One East Penn Square, Philadelphia, Pennsylvania. All Municipal Court Appeals filed on or after the effective date of this Order shall be scheduled directly for Trial or hearing in Courtroom 910, One East Penn Square by the Prothonotary at the time the Appeal is filed. Trials or hearings shall be listed in accordance with a schedule determined by the President Judge or Municipal Court based on Judicial availability and the number of cases at issue.

This Order is issued in accordance with the April 11, 1986, Order of the Supreme Court of Pennsylvania, Eastern District, no. 55 Judicial Administration, Docket no. 1, Phila. Civ. R. ★51 and Pa. R.C.P. 239, and shall become effective on April 4, 1994. As required by Pa. R.C.P. 239, the original Order shall be filed with the Prothonotary in a docket maintained for Administrative Orders issued by the Administrative Judge of the Trial Division, and copies shall be submitted to the Administrative Office of Pennsylvania Courts, the Legislative Reference Bureau and the Civil Procedural Rules Committee. Copies of the regulation shall also be submitted to Legal Communications, Ltd., The Legal Intelligencer, Jenkins Memorial Law Library and the Law Library for the First Judicial District.

DATE: March 17, 1994

ALEX BONAVIDACOLA
ADMINISTRATIVE JUDGE
TRIAL DIVISION