

CRITERIA FOR ASSIGNMENT OF CASES TO COMMERCE PROGRAM

Cases Subject to Commerce Program. Notwithstanding anything to the contrary in General Court Regulation 95-2 (Day Forward Program) or any other General Court Regulation, Jury, Non-Jury & Equity, and Class Action cases filed on or after January 1, 2000, but not Arbitration cases, shall be assigned to the Commerce Program if they are among the following types of actions:

- 1. Actions relating to the internal affairs or governance, dissolution or liquidation, rights or obligations between or among owners (shareholders, partners, members), or liability or indemnity of managers (officers, directors, managers, trustees or members or partners functioning as managers) of business corporations, partnerships, limited partnerships, limited liability companies or partnerships, professional associations, business trusts, joint ventures or other business enterprises, including but not limited to any actions involving interpretation of the rights or obligations under the organic law (e.g., Pa. Business Corporation Law), articles of incorporation, by-laws or agreements governing such enterprises;**
 - 2. Disputes between or among two or more business enterprises relating to transactions, business relationships or contracts between or among the business enterprises. Examples of such transactions, relationships and contracts include:
 - a. Uniform Commercial Code transactions;**
 - b. Purchases or sales of businesses or the assets of businesses;**
 - c. Sales of goods or services by or to business enterprises;**
 - d. Non-consumer bank or brokerage accounts, including loan, deposit cash management and investment accounts;**
 - e. Surety bonds;**
 - f. Purchases or sales or leases of, or security interests in, commercial, real or personal property; and**
 - g. Franchisor/franchisee relationships.****
- 3. Actions relating to trade secret or non-compete agreements;**
 - 4. "Business torts," such as claims of unfair competition, or interference with contractual relations or prospective contractual relations;**
 - 5. Actions relating to intellectual property disputes;**
 - 6. Actions relating to securities, or relating to or arising under the Pennsylvania Securities Act;**

7. **Derivative actions and class actions based on claims otherwise falling within these ten types, and consumer class actions other than personal injury and products liability claims;**
8. **Actions relating to corporate trust affairs;**
9. **Declaratory judgment actions brought by insurers, and coverage disputes and bad faith claims brought by insureds, where the dispute arises from a business or commercial insurance policy, such as a Commercial General Liability policy, and;**
10. **Third-party indemnification claims against insurance companies where the subject insurance policy is a business or commercial policy and where the underlying dispute would otherwise be assigned to the Commerce Program, not including claims where the underlying dispute is principally a personal injury claim.**

All of the above types of actions may involve individuals named as parties, in addition to business enterprises, so long as all other criteria are met and the essential nature of the litigation is a business dispute. For example, a dispute over a commercial loan may include individual guarantors as either plaintiffs or defendants, as the case may be, but such a lawsuit would still be a commercial dispute.

Cases Not Subject to the Commerce Program. The following types of matters are not to be included in the Commerce Program:

1. **Matters subject to Compulsory Arbitration in this Court or to the jurisdiction of the Municipal Court, including any appeals.**
2. **Personal injury, survival or wrongful death matters.**
3. **Individual (non-class) consumer claims against businesses or insurers, including products liability and personal injury cases.**
4. **Matters involving occupational health or safety.**
5. **Environmental claims not involved in the sale or disposition of a business and other than those addressed in Commerce Program types 9 or 10 above.**
6. **Matters in eminent domain.**
7. **Malpractice claims, other than those brought by business enterprises against**

attorneys, or accountants, architects or other professionals in connection with the rendering of professional services to the business enterprise.

- 8. Employment law cases, other than those referenced in Commerce Program type 3 above.**
- 9. Administrative agency, tax, zoning and other appeals.**
- 10. Petition Actions in the nature of Change of Name, Mental Health Act Petitions, Petitions to Appoint an Arbitrator, Government Election Matters, Leave to Issue Subpoena, Compel Medical Examination.**
- 11. Individual residential real estate and non-commercial landlord-tenant disputes.**
- 12. Domestic relations matters, and actions relating to distribution of marital property, custody or support.**
- 13. Any matter required by statute, including 20 Pa.C.S. Chapter 7, §§711 & 713, to be heard in the Orphans' Court or Family Court Division of the Philadelphia Court of Common Pleas, or other matter which has heretofore been within the jurisdiction of the Orphans' Court or Family Court Division of this Court.**
- 14. Any criminal matter other than criminal contempt in connection with a Commerce Program action.**
- 15. Such other matters as the Court shall determine.**

Source: Administrative Docket No. 01-2000