

REVISED ASBESTOS SUMMARY JUDGMENT MOTION PROCEDURES

Following is the Asbestos Summary Judgment Motion Procedure as revised on October 29, 2008. All prior asbestos summary judgment motion procedures are to be considered obsolete.

1. All summary judgment motions shall be filed fifty (50) days prior to jury selection.
2. ALL MOTIONS should be in letter-brief rather than motion package format. The first page of the motion shall include the caption, type of litigation, name of opposing counsel, and the filing and response dates, prominently displayed. The second page of the motion shall be the proposed order. The third page of the motion shall include the title line ("Dear Judge) and begin the facts, issues and pertinent case law, briefly outlined. Each motion must also include a signed Attorney Certification of Good Faith.
3. The Certification shall attest that certifying counsel has spoken with opposing counsel regarding the summary judgment motion in an attempt to resolve the specific issue in dispute, and that despite counsel's good faith efforts, has been unable to do so.
4. For ALL MOTIONS and responses filed (both paper and electronic versions) which are longer than twenty (20) pages in length (including exhibits) counsel must provide a courtesy copy of the motion (and any exhibits) to the Coordinating Judge of the Complex Litigation Center, 622 City Hall. The motion or response and exhibits must be bound in loose-leaf, three-ring style.
5. For PAPER FILED motions, the moving party must first present the original motion to the Prothonotary Cashier for payment, Room 282, City Hall. Thereafter, the motion shall be filed with the Civil Motions Clerk, Room 296, City Hall, where it will be time stamped and assigned a control number.
6. For ALL MOTIONS, the moving party must serve opposing counsel and all interested parties with a copy of the motion on the day filed with the Court, by electronic mail, facsimile or hand delivery.* For PAPER FILED MOTIONS, the served copy must have the Control Number clearly displayed on the motion. For MOTIONS FILED BY ELECTRONIC MAIL, the moving party shall notify opposing counsel and all interested parties of the Control Number upon notification by the Court.
7. Upon receipt, opposing counsel shall have seventeen (17) days in which to file a response to the motion. For PAPER FILED MOTIONS, the original response must be filed with the Civil Motions Clerk, Room 296, City Hall, no later than 4:30 p.m. For ELECTRONICALLY FILED MOTIONS, the response must be filed no later than midnight (12:00 a.m.) of the due date. THE RESPONSE MUST CLEARLY DISPLAY THE CONTROL NUMBER OF THE CORRESPONDING MOTION ON THE FIRST PAGE OF THE RESPONSE. There is no fee for filing a response. The responding party must serve the moving party and all other interested parties with a copy of the response the same day by electronic mail, facsimile or hand delivery.*
8. If the Motion is unopposed, or withdrawn, a letter stating same must either be electronically filed or forwarded in paper to the Civil Motions Program, Room 296, City Hall. THE LETTER

* Counsel are reminded of the more exacting nature of the motions practice in the Complex Litigation Center because of the shorter response times and the need to insure the completion of the same day service requirement. Counsel are cautioned that under Pa R.C.P. 205(g)(2)(ii), service by electronic transmission is not complete until "an e-mail message is sent to the recipient by the electronic filing system that the legal paper has been filed and is available for review on the system's website." Accordingly, the obligation of same day service contained in these Procedures will not be satisfied by reliance on Pa.R.C.P. 205.4(g)(2) if a motion, response or reply filed by electronic mail is not accepted by the Court on the date that it is transmitted to the Court.

MUST CLEARLY DISPLAY THE CONTROL NUMBER OF THE MOTION. The moving party and all interested parties must receive a copy the same day by electronic mail, facsimile or hand delivery.

9. A reply by the moving party, if any, shall be filed with the Civil Motions Clerk, Room 296, City Hall, no later than 4:30 p.m. for PAPER MOTIONS and by midnight (12:00 a.m.) on the fifth day after receipt of the opposition. **THE REPLY MUST CLEARLY DISPLAY THE CONTROL NUMBER OF THE CORRESPONDING MOTION ON THE FIRST PAGE.** The moving party must serve opposing counsel and all interested parties with a copy of the reply the same day by electronic mail, facsimile or hand delivery.*
10. The Court will rule on all pending summary judgment motions in a timely manner prior to jury selection.
11. The Court will docket the original signed order and mail a copy of the signed order to the moving party. The moving party is responsible for serving all other parties with a copy of the order.
12. Oral argument on Motions will be scheduled by the Court as needed.

Hon. D. Webster Keogh
Administrative Judge

Hon. Esther R. Sylvester
Supervising Judge

Hon. Allan L. Tereshko
Coordinating Judge