

FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY

President Judge General Court Regulation No. 2005-03

In Re: Adoption of Philadelphia Civil Rule *1028.1

ORDER

AND NOW, this 30th day of March, 2005, the Board of Judges of Philadelphia County having voted at the Board of Judges' meeting held on February 26, 2004 to adopt Philadelphia Civil Rule *1028.1, IT IS HEREBY ORDERED that Philadelphia Civil Rule *1028.1 is adopted as attached hereto.

This General Court Regulation is issued in accordance with Pa.R.Civil.P.No. 239 and, as required by Rule 239, the original General Court Regulation shall be filed with the Prothonotary in a Docket maintained for General Court Regulations issued by the President Judge of the Court of Common Pleas of Philadelphia County, and copies shall be submitted to the Administrative Office of Pennsylvania Courts for publication on its website, and the Civil Procedural Rules Committee. Copies of the Order shall also be submitted to American Lawyer Media, *The Legal Intelligencer*, Jenkins Memorial Law Library, and the Law Library for the First Judicial District of Pennsylvania, and posted on the website of the First Judicial District: <http://courts.phila.gov>.

BY THE COURT:

/s/ HON. FREDERICA A. MASSIAH-JACKSON

HON. FREDERICA A. MASSIAH-JACKSON
PRESIDENT JUDGE,
COURT OF COMMON PLEAS OF
PHILADELPHIA COUNTY

Philadelphia Civil Rule *1028.1

Rule *1028.1 Preliminary Objections To Declaration Of Taking Pursuant To Section 406 Of The Eminent Domain Code Or To Petition For Appointment Of Viewers Alleging De Facto Taking Or Other Compensable Injury Pursuant To Section 502 (e) Of The Eminent Domain Code

- (A) The general provisions of Rule *1028 and Rule *206.1 shall not apply to preliminary objections to a declaration of taking pursuant to Section 406 of the Eminent Domain Code or to a petition for appointment of viewers alleging a de facto taking or other compensable injury pursuant to Section 502(e) of the Eminent Domain Code.
- (B) Preliminary objections to a declaration of taking pursuant to Section 406 of the Eminent Domain Code or to a petition for appointment of viewers alleging a de facto taking or other compensable injury pursuant to Section 502 (e) of the Eminent Domain Code shall be filed with the Prothonotary and, within 72 hours of filing, shall be served upon all adverse parties. The objections shall state specifically the grounds relied upon and include a statement as to whether the objections raise issues of fact or raise solely issues of law.
- (C) Within twenty (20) days after such filing, any party may, but need not, file as response to the preliminary objections. Any response filed shall specifically respond to the statement as to whether preliminary objections raise issues of fact or raise solely issue of law.
- (D) The court shall determine whether factual issues must be resolved in order to determine the preliminary objections. If factual issues must be resolved, the court shall establish a schedule and procedure for the taking of discovery and resolution of the factual issues by evidentiary depositions or an evidentiary hearing, and, if necessary, the court shall set a brief schedule and schedule argument.