

*IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY  
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
TRIAL DIVISION – CIVIL*

*\*Name*

*\*Street Address*

*\*City, \*State, \*ZipCode*

*\*Case Description*

*\*Case ID*

**NOTICE AND ORDER FOR PRE-TRIAL CONFERENCE – MEDICAL MALPRACTICE PROGRAM**

Please take notice that this case is hereby listed for a Pre-Trial Conference with the Honorable *Event Judge* on *Event Date*, at *Event Time*. Counsel appearing at the Pre-Trial Conference must be prepared to discuss all issues related to the trial of this matter.

It is mandatory that the counsel who attends the Pre-Trial Conference verifies the availability of clients, witnesses, and experts for trial, as well as all trial counsel's scheduled attachments and pre-paid vacations before attending the Pre-Trial Conference. At the Conference counsel will be responsible for advising the Court of any potential conflicts including religious holidays observed by counsel or their clients. Once scheduled, a trial will not be rescheduled absent extraordinary and unforeseen circumstances.

Based on the Court's Civil Trial Calendar, counsel should anticipate receiving a trial date within six months of the Pre-Trial Conference. It is strongly recommended that counsel meet-and-confer prior to the Pre-Trial Conference to:

- a.) agree upon three (3) trial dates to propose to the Court, and
- b.) discuss settlement as described in paragraph 3(f) below.

**IT IS FURTHER ORDERED THAT:**

1. The Pre-Trial Conference will be conducted using Advanced Communication Technology. Counsel shall access the Conference by using the Zoom link posted on the following website under "Remote Hearing Information by Judge." <https://www.courts.phila.gov/livestreams/civil/hearings/>. Please note that the Zoom link may be updated from time to time so you should use the Zoom link that is published on the day of the Pre-Trial Conference.
2. Counsel for the plaintiff(s) / defendant(s) are directed to serve a copy of this Notice/Order on any attorney entering an appearance after the issuance of this Order.
3. NOT LATER THAN THIRTY (30) DAYS PRIOR TO THE PRE-TRIAL CONFERENCE, counsel shall electronically file with the Court and serve upon all opposing counsel and/or opposing parties not electronically served by the court, a Pre-Trial Memorandum containing the following: (a) A concise summary of the nature of the case by plaintiff, or of the defense by defendant or additional defendant; (b) A list of all witnesses who may be called to testify at trial by name and address. Counsel should expect any witness not named to be precluded from testifying at trial; (c) A list of all exhibits the party intends to offer into evidence. All exhibits should be pre-numbered and shall be exchanged among counsel prior to the conference. Counsel should expect any exhibit not listed to be precluded at trial; (d) Plaintiff shall list all injuries or damages sustained together with all special damages claimed by category and amount. This list shall include, as appropriate, all claims

for compensable medical expenses, wage loss and any other unliquidated damages claimed. Plaintiff shall also identify any lien amounts and the entity asserting the lien(s); (e) Defendant shall state its position regarding damages and shall identify all applicable insurance carriers (including excess), together with applicable limits of liability; (f) Plaintiff shall identify the most recent demand expressed in a monetary value (“unknown” or “to be determined” is not sufficient). Defendant shall state its position regarding settlement. If Defendant is going to make an offer, the Court strongly encourages that it be communicated prior to or at the Pre-Trial Conference. All parties must include a summary of the meet-and-confer conference. Failure to comply may affect the assignment of a trial date and/or result in other sanctions; and (g) Each counsel shall provide an estimate of anticipated length of trial and a true copy of all expert reports.

Where notice of a claim has been provided to Mcare, the party providing notice shall send to Mcare an electronic copy of all pre-trial memoranda filed by both plaintiff(s) and defendant(s) in the case not later than the date of the Pre-Trial Conference.

To file the Pre-Trial Memorandum electronically, access the “Existing Case” section of the Court’s electronic Filing System. Select “Conference Submissions” as the filing category. Select “Pre-Trial Memorandum” as the document type. A hard copy of the new Pre-Trial Memorandum shall be delivered to the Judge’s chambers upon request.

**FAILURE TO TIMELY FILE A PRE-TRIAL MEMORANDUM MAY RESULT IN THE PRE-TRIAL CONFERENCE BEING POSTPONED.**

4. At the conclusion of the Pre-Trial Conference, a Pre-Trial Order controlling the conduct of the trial may be entered. The Pre-Trial Order may also set deadlines for the filing of Motions in Limine, Points for Charge, and Proposed Special Interrogatories.
5. Counsel will be asked whether their clients are interested in participating in a Settlement Conference with a medical malpractice judge pro tempore. Counsel should be prepared to respond to the Court’s inquiry and, if interested, propose a timeframe for scheduling the conference (i.e.: 30, 60, 90 days). The Court encourages counsel to exchange their most recent demand and offer prior to the Pre-Trial Conference.
6. If this case settles prior to the Pre-Trial Conference, counsel must immediately electronically file a settlement letter. To file the letter electronically, access the “Existing Case” section of the court’s electronic filing system. Select “Conference Submissions” as the filing category. Select “Settlement Letter” as the document type.
7. Questions concerning this Notice/Order should be directed to the appropriate program administrator, Norma Erickson, at 215-686-2606.

**BY THE COURT:**

*Issuance Date*

*Event Judge, J.*