



**Office of Judicial Records - Civil
First Judicial District of Pennsylvania
Court of Common Pleas, Trial Division**

Informational Guide for Emergency Motions filed in the Court of Common Pleas, Trial Division – Civil

What is an emergency Motion?

An emergency motion is a written request that tells the Court that there is a *serious, unexpected, irreversible, and/or dangerous* situation requiring immediate action. The emergency motion must explain why/how the situation is an emergency, what you are asking for, and why it should be granted.

What is needed to file an emergency motion?

The motion document is a set of documents that should include the following:

- A title for your motion that must state what you are asking for and indicate that it is an emergency.
- List basic facts about the case to help the Judge in deciding your motion.
- Explain why/how the situation is an emergency, what steps you have taken related to the situation, what you are asking for, and why it should be granted. Also explain why you believe the matter is serious, unexpected, irreversible, and/or dangerous. Be as detailed as possible.
- Explain and list reasons or errors that may have been made to cause a serious situation to occur.
- List any related legal actions in any court, including, an ejectment case, a landlord/tenant case, a code enforcement action by the City of Philadelphia or any other legal action.
- Attach any documents that help support your motion.
- Filing fee: \$67.68
- Motion forms are available on the Court's website at www.courts.phila.gov/forms and in the Civil Filing Center Room 296, City Hall.

Note: A civil complaint is required to be filed with an emergency preliminary injunction if no civil complaint has been filed yet.

Where to file an emergency motion?

Emergency motions for the Court of Common Pleas – Trial Division Civil can be filed utilizing the First Judicial District's Electronic Filing System at www.fjdefile.phila.gov or in the Civil Filing Center Room 296, City Hall during business hours 9:00 a.m. to 4:30 p.m.

- For filings submitted electronically, the Civil Motions Program will contact the filing party via email with the emergency protocol once the emergency motion has been accepted.

After business hours, emergency motion protocols should be referenced at <https://www.courts.phila.gov/news/> for the appropriate contact information.

Who handles the emergency motions once filed with the Court?

The staff of the Civil Motions Program handle the clerical functions, such as assigning the motion to the appropriate judge and docketing the rules/orders issued for all emergency motions. The judges assigned to the Motions Program will review and decide the emergency motion during business hours. The Civil Motions Program can assist with any questions or concerns regarding the emergency process. The Civil Motions Program can be reached at 215-686-8863 or OJRCivil@courts.phila.gov.

How will the emergency motion will be reviewed?

The emergency motion must be served on the opposing party. Proof of service of the emergency is required to be provided to the Court. See “What is service on the opposing party?” section below. The emergency motion will be sent to the Judge serving as the “Emergency Judge” for review. The filing party can wait for the Judge’s decision or can leave but must provide their contact information (phone number and email). The Civil Motions Program staff will contact the filing party once the judge has completed the review of the motion.

What are the possible outcomes of the emergency motion?

The possible outcomes for the emergency motion may be one of the following:

- An order may be issued with the Judge’s decision.
- The emergency motion may be reassigned to a different judge to make a ruling at a later day and time.
- A rule to show cause may be issued scheduling a hearing with the Judge for a specific date and time. It will require the parties to appear in court to explain why a certain request/relief should or should not be granted.
 - If a rule to show cause is issued, all parties appearing at this hearing should be prepared to discuss all issues related to this matter and be prepared to present evidence and/or testimony from witnesses.

What is service on the opposing party?

All documents filed and issued by the Court must be served to the opposing party. This is called service. The emergency motion must be served on the attorney for the opposing party or, if unrepresented by an attorney, the party must be served by personal service, email, posting, or fax as ordered by the Court. If a rule to show cause was issued by the Court, a copy of the rule must be served with the emergency motion.

- Service definitions:
 - Personal Service is an in-person hand delivery of the filing.
 - Email is electronically delivering a copy of the filing via email.
 - Posting is placing a copy of the filing in a visible spot on the property where the opposing party resides. A photograph of the posting may be requested by the Court.
 - Facsimile is electronically faxing a copy of the filing.

Service must be made by a “competent adult,” which means a person eighteen years of age or older who is neither a party to the action nor an employee or a relative of a party. Proof of service must be filed in the case or be presented at the time of the hearing if scheduled, or the motion may be dismissed.

- Filing proof of service:
 - Once service has been made, Proof of Service can be filed utilizing the First Judicial District's Electronic Filing System at <https://fjdefile.phila.gov> or the Civil Filing Center, Room 296, City Hall.
 - Proof of Service forms are available on the Court's website at <http://www.courts.phila.gov/forms/> and in the Civil Filing Center Room 296, City Hall.