

Discovery Court Program

DISCOVERY UNIT OFFICE LOCATION: Room 691 City Hall
Hours of Operation: 8:00 A.M. – 5:00 P.M.

STAFF:

Peter J. Divon, *Manager*

Email: Peter.Divon@courts.phila.gov

Telephone Number:

215-686-3747

FAX: 215-686-3777

Nora Sweeney, *Legal Clerk*

Email: Nora.Sweeney@courts.phila.gov

215-686-4246

Diane Phillips-Burnette, *Legal Clerk*

Email: Diane.Burnette@courts.phila.gov

215-686-4246

Dianne Stewart, *Legal Clerk*

Email: Dianne.Stewart@courts.phila.gov

215-686-4246

Alejandra Ramos, *Legal Clerk*

Email: Alejandra.Ramos@courts.phila.gov

215-686-4246

DISCOVERY COURT PROGRAM
ROOM 691 CITY HALL
215-686-3747, 4246 AND 4247

The Discovery Court Program operates in accordance with the Alternative Motion Procedures set forth in Philadelphia Rule of Civil Procedure *208.3. The Manager of the Discovery Court Program is Peter J. Divon. The administrative office of the Discovery Court Program is located in Room 691 City Hall, Philadelphia, PA. Discovery hours are from 8:00 am through 5:00 pm.

Depending on the particular civil program, discovery motions are scheduled for a hearing before a Judicial Team Leader, Coordinating Judge, or Commerce Judge. A day and time has been reserved for the resolution of discovery motions in each program. A copy of the Discovery Court Schedule is included at the end of this section.

Effective Monday, August 25, 2014 the schedule for hearings in Discovery Court is as follows:

SCHEDULE FOR DISCOVERY HEARINGS				
DAY	TIME	JUDGE	PROGRAM	COURTROOM
Monday	9:30 a.m.	Judge Glazer	Commerce	650 CH
Monday	2:00 p.m.	Judge Bernstein	Day Forward 2013	246 CH
Tuesday	9:00 a.m.	Judge Rau	Day Forward 2014 & 2011	646 CH
Tuesday	9:30 a.m.	Judge McInerney	Commerce	630 CH
Tuesday	10:00 a.m.	Judge Dembe	Commerce	612 CH
Wednesday	9:00 a.m.	Judge Allen	Day Forward 2012	480 CH
Thursday	9:00 am.	Judge Fox	Arbitration , Arbitration Appeal & Non Jury	243 CH

The assignment of discovery motions to judicial teams is a critical and important part of the Court's Civil Case Delay Reduction Strategy. This strategy provides early and appropriate intervention in cases within the various civil programs. Under Phila. Civ. R. *208.3(b)(2), all discovery petitions and motions (except in mass tort cases and cases already assigned to an individual Judge) are presented to, argued before, and determined to by the Discovery Court.

Requesting a Hearing Date

Requesting a hearing date is now done electronically through the court's Civil Electronic Filing System. The filing party must describe the type of Discovery Motion that will be presented to the court, the program in which the case is pending, and whether the motion is sought on an emergency basis. As previously, discovery hearings may not be requested over the phone. There is a \$57.68 fee for each hearing request, which must be paid when completing the form on EFS. If you make more than one request, you must pay \$57.68 for each request.

Once the request is received, it will be processed and a clerk will send an email to all counsel and unrepresented parties with registered e-mail addresses providing the date, time and place of the discovery hearing. The assigned hearing date and time will be based on the case's program type. It is the filing party's responsibility to serve a copy of the discovery motion, along with the date and time of the scheduled discovery hearing, on all parties who were not served by e-mail through EFS.

Pursuant to the court's January 5, 2004, order, the court no longer will accept discovery motions filed after the case specific discovery deadline, except for motions seeking to enforce a previously entered discovery order.

Pursuant to Philadelphia Civil Rule *208.3, a hearing shall be listed no earlier than ten days after the date that a request for a hearing is made, except in the case of an emergency. The emergency Discovery Hearing procedures are set forth below.

If you have an emergency motion, you must, follow the EFS process, file your motion between 9:00 a.m. and noon the day before motions in your case category will be heard. When filing through EFS, designate the motion as an emergency. You must make service of your motion by 2:00 p.m. that day. The emergency cases are heard after all of the other listed arguments.

Court Approval for Cases Approaching Arbitration Hearing.

If a case is in arbitration and is listed for an arbitration hearing within 45 days, it is necessary for the moving party to obtain court approval before appearing in Discovery Court. The appropriate forms can be found at the Arbitration Center. *PA Civil Rule *1303(a-h)*

The Hearing/Argument Date

If the dispute remains unresolved by your hearing date, counsel must appear at the assigned date and time in the assigned courtroom. The hearings will start on time, and you should bring the entire motion package with you (i.e., proposed order, motion, exhibits, notice of presentation (bring the e-mail notification), proof of service, (bring the e-mail notification), and attorney certification of good faith as required by Philadelphia Civil Rule *208.2(e).

If all parties fail to appear, the court will deem that motion moot. If all parties other than the moving party fail to appear, the court will deem the motion uncontested and enter an appropriate order. If the moving party fails to appear, but one or more responding parties appears, the court will dismiss the motion and may, upon a subsequent motion, enter monetary sanctions against the moving party and in favor of the party that appeared at the argument.

Following the call of the list, all counsel whose motions are uncontested or by agreement may leave the courtroom and will receive a copy of their signed order via US mail or the electronic filing system pursuant to P.A.R.C.P. 236.

Alternative Procedure Requiring No Physical Presence of Counsel

Administrative Docket 04 of 1998 establishes an alternative procedure for discovery motions that are uncontested or able to be resolved through agreement. Under this procedure, attorneys are no longer required to appear personally when they have discovery motion that is uncontested or that can be resolved by agreement. These motions may be presented to the Discovery Unit, Room 691 City Hall, on the day immediately preceding the scheduled hearing date. A copy of the relevant case management order along with the following letter should be attached thereto:

Date:

RE: (Caption and Case I.D.)

To the Assigned Discovery Judge:

Please accept this letter as certification that my opponent in the attached motion has told me he/she will not contest and/or agrees to the relief sought in the proposed order.

Sincerely,

NO FAXES WILL BE ACCEPTED

The Discovery Court Manager screens these motions to determine if there are any conflicts with the appropriate Case Management Order. The assigned judge will review and sign the proposed orders after the scheduled court session.

Reconsideration of Discovery Orders

Petitions for Reconsideration of discovery orders must be filed through the Civil Motions Program with the Civil Motions Clerk in Room 296 City Hall. There is a \$52.68 filing fee required for each motion. The motion package should comply with Phila. R. Civ. P *208.3.

Petitions for Reconsideration are assigned forthwith to the judge who issued the order in question. The judge who issued the order is the only one with legal authority to review the order. Therefore, counsel should not reappear in Discovery Court and expect another judge to reconsider a colleague's order.

Please keep in mind that the judge does not receive the entire court record when a motion/petition is assigned for disposition. Therefore, it is very important that you attach as exhibits any information that may be necessary in order for the judge to render a decision. Petitions for Reconsideration, in particular, should include, among other things, a signed copy of the order in question, along with copies of the motion and responses thereto. Failure to do so may result in dismissal of the motion for failure to comply with Phila. R. Civ. P. *208.3.

Discovery Court Accepts Filings in the Following Programs:

1. All Day Forward Major Jury Programs
2. Non-Jury
3. Arbitration
4. Arbitration Appeal

5. Commerce Program
6. Petition Actions
 - a. Issuance of Subpoena
 - b. Issuance of Letters Rogatory
 - c. Name Changes
7. Foreclosure – Post November 1, 2013 - Cases With Case Management Orders

Types of Motions Accepted in Discovery Court

Motion to Compel Request for Production
 Motion to Compel Request for Admissions
 Motion to Compel Depositions
 Motion to Compel Independent Medical Examination
 Motion to Compel Inspection
 Motion to Overrule Objections
 Motion to Quash Subpoena
 Motion to Compel Answers to Interrogatories
 Motion to Compel Answers and Production of Documents
 Motion for Protective Order
 Motion for More Specific Answers to Interrogatories
 Motion for More Specific Answers to Request for Production
 Petition for Issuance of Subpoena
 Petition for Issuance of Letters Rogatory
 Motion for Sanctions

Discovery Motions NOT filed with the Discovery Court

The following discovery motions are not accepted for filing in Discovery Court. These motions must be filed with the Civil Motions Program. Remove text “in Room 296 City Hall”

- Discovery Motions in Municipal Court Appeals from Landlord Tenant cases;
- Post Judgment Motions for Discovery in Aid of Execution;
- Motions for **Pre-Complaint** Discovery;
- Motions to Quash Trial Deposition;
- Motions to Quash Trial Subpoena;
- Discovery Motions in Tax Court Cases
- Discovery Motions in Statutory Appeals Cases;
- Discovery Motions in Mass Tort Program.

Discovery motions shall not be accepted by the Discovery Court in cases where an arbitration hearing is scheduled to be held within forty-five (45) days, without Arbitration Program or Court approval. *PA Civil Rule *1303(a-h)*