



**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
PHILADELPHIA COURT OF COMMON PLEAS**

Tuesday, May 3, 2022

TRIAL DIVISION – CIVIL

**NOTICE TO THE BAR
CIVIL CASE MANAGEMENT MEMORANDUM**

Please take notice that a revised Civil Case Management Memorandum form will be accessible on the First Judicial District’s website beginning Tuesday, May 3, 2022. The revised form is to be used for all Case Management Conferences scheduled on Monday, May 9, 2022, and beyond. (If you submit a memorandum prior to Tuesday, May 3, 2022, for a conference that has been scheduled on Monday, May 9, 2022, or beyond, it is not necessary to resubmit a memorandum using the new form.)

The form can be accessed at <https://www.courts.phila.gov/pdf/forms/civil/CMC-105.pdf>

Five (5) days prior to the Case Management Order issuance date, ***all parties*** are required to electronically file with the Court and serve upon all opposing counsel and/or opposing parties not electronically served by the court a fully completed Case Management Memorandum.

Failure to timely file a Case Management Memorandum may result in monetary sanctions.

To electronically file the Case Management Memorandum, access the “Existing Case” section of the court’s electronic filing system. Select “Conference Submissions” as the filing category. Select “Management Memorandum” as the filing type. Any party not registered with the electronic filing system (“EFS”) may submit the Memorandum via e-mail or United States Postal Service, first class mail at:

CivilCaseManagement@courts.phila.gov
Civil Case Management Conference Center
Room 613 City Hall
Philadelphia, PA 19107

Honorable Lisette Shirdan-Harris
Administrative Judge
Trial Division

Honorable Daniel J. Anders
Supervising Judge
Trial Division - Civil



First Judicial District of Pennsylvania
Court of Common Pleas of Philadelphia County
Trial Division – Civil Section

CIVIL CASE MANAGEMENT CONFERENCE

ADVICE TO COUNSEL

1. Be sure to fully complete the Case Management Conference Memorandum prior to the Case Management Conference. Five (5) days prior to the Case Management Order issuance date, *all parties* are required to electronically file with the Court and serve upon all opposing counsel and/or opposing parties not electronically served by the court a fully completed Case Management Memorandum. *Failure to timely file a Case Management Memorandum may result in monetary sanctions.* To electronically file the Case Management Memorandum, access the “Existing Case” section of the court’s electronic filing system. Select “Conference Submissions” as the filing category. Select “Management Memorandum” as the filing type. Any party not registered with the electronic filing system (“EFS”) may submit the Memorandum via e-mail or USPS first class mail:

CivilCaseManagement@courts.phila.gov.

Civil Case Management Conference Center
613 City Hall
Philadelphia, PA 19107

2. **Consult clients well in advance of the conference** to obtain pertinent information to prepare the memorandum. When supplying information on injuries or damages, it is insufficient for plaintiff to state “unknown,” “to be supplied,” or “under investigation.” In stating factual positions as to liability, it is insufficient to use non-descriptive terms, such as “liability certain,” “100% liability,” or “clear liability.” Litigants are asked to provide their date of birth, which is intended for Court use only and will not be made available to the public.
3. Counsel and/or self-represented parties shall access the Case Management Conference through the Zoom link posted on the following website under “Common Pleas - Civil Remote Hearing Info – FOR COUNSEL AND PARTIES”:

<https://www.courts.phila.gov/livestreams/civil/hearings/>

Scroll down within the section “**Remote Hearing Information by Court Event Type**” under “General Program Hearings” to “Case Management Conference - Civil Case Management Center” and click on “Join Case Management Conference”. The Zoom link may be updated periodically, so use the Zoom link that is present on the date of the Conference.

4. Be fully prepared to discuss issues relating to service of process, venue, pleadings, discovery, joinder of additional parties, theories of liability, damages, applicable defenses, and status of settlement negotiations. Parties are encouraged to discuss these issues amongst themselves prior to the conference when possible. **Participation from fully prepared and cooperative parties leads to a more productive and meaningful conference.** Failure to file a Complaint or effectuate service of process prior to the conference date may result in issuance of a Rule to Show Cause.
5. Conduct discovery as soon as practicable, even while awaiting disposition of preliminary objections. **The presumptive discovery deadlines are calculated from the filing date of an action, not from the date of the Case Management Conference.** The pendency of Preliminary Objections does not stay discovery. If a formal stay is necessary, the parties should petition the Court accordingly.
6. Consider voluntarily transferring your case to the Compulsory Arbitration Program where appropriate. **The Case Managers can generate a *Praecipe* to Transfer and schedule a hearing date for you.** All cases having an amount in controversy, exclusive of interest and costs, of \$50,000 and less (except cases involving title to real estate) shall be assigned to the Compulsory Arbitration Program. (See *Philadelphia County Rules*, Rule *1301) The Team Leader Judges may *sua sponte* remand matters to the Compulsory Arbitration Program accordingly.
7. Be mindful that the **Case Management Conference is a Court proceeding.** The Case Managers are empowered by the Team Leader Judge to issue appropriate Orders to enforce compliance with program procedures and applicable Rules of Civil Procedure. Any Rule to Show Cause entered will be returnable before the Team Leader Judge. (See *Philadelphia County Rules*, General Court Regulation No. 95-2)
8. After the Case Management Conference is completed, upon receipt of the Case Management Order, carefully review the entire Case Management Order. **Be sure to promptly note all deadlines on your calendaring or tickler system.** You will receive notice from the Court of actual Settlement Conference and Pre-trial Conference dates and related instructions in due course.
9. Motions for Extraordinary Relief seeking extension of deadlines must be filed **before** the expiration of the deadlines at issue.
10. If the case settles prior to the Conference, a Settlement Letter must be filed through the Electronic Filing System (EFS). In the EFS, access the “Existing Case” section, select

“Conference Submissions” as the filing category, then select “Settlement Letter” as the filing type.

11. Any request for continuance **must** be made in writing. Counsel must e-file letter requests electronically through the EFS. Access the “Existing Case” section, then choose “Case Management Conference Continuance Request” as the filing type. Self-represented litigants may send requests via first class mail, e-mail or the EFS, but **must** send a carbon copy to all opposing parties or their attorney of record:

Civil Case Management Conference Center
ATTN: Request for Continuance
613 City Hall
Philadelphia PA, 19107
CivilCaseManagement@courts.phila.gov

Requests should be made at least 72 hours prior to the scheduled Case Management Conference.

12. Please direct any questions regarding Civil Case Management by e-mail to CivilCaseManagement@courts.phila.gov.

Prepared by:

Theresa M. Italiano, Esq.
Supervising Civil Case Manager
Civil Case Management Center

¹ Disclosure of date of birth is voluntary. Effective September 5, 2017, in a continuing effort to implement the recommendations of the *Elder Law Task Force* appointed by the Supreme Court of Pennsylvania, litigants and other persons involved in civil proceedings on the Court of Common Pleas are being asked to provide date of birth information.

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

	:	
:	:	_____ TERM 20 ____
Plaintiff	:	
v.	:	No.: _____
	:	
:	:	CASE MANAGEMENT
Defendant	:	CONFERENCE MEMORANDUM
	:	

DISCLAIMER:

**THIS DOCUMENT IS SOLELY USED FOR CASE MANAGEMENT PURPOSES
 AND SHALL NOT BE USED FOR ANY OTHER PURPOSE.**

Date and Time of the Case Management Conference:

Filing Party:

Attorney of Record:

BAR ID:

Address of Attorney:

Email and Telephone for Filing Attorney:

TYPE OF MATTER: (from Civil Cover Sheet)

Personal Injury	Complete Section I
Contract	Complete Section II
Real Estate	Complete Section III
Landlord Tenant	Complete Section IV

SECTION I – PERSONAL INJURY

FOR ALL PARTIES:

1. Alleged date and location of alleged accident or occurrence:
2. Are there any related cases or claims pending, if known? Yes____ No____

If so, list caption(s) and docket number(s) or other appropriate identifier(s):

3. Do you anticipate joining additional parties at this time? Yes____ No____

Comment:

4. Current Demand: Current Offer:
Note: The demand cannot be “unknown” or “to be determined;” it must be expressed in a monetary value.

5. On behalf of the responding party, are you interested in court - supervised early mediation? YES NO

FOR THE PLAINTIFF:

Note: Responses such as “to be determined” or “unknown” are disfavored and strongly discouraged.

6. Age of Plaintiff on date of alleged accident or occurrence:
7. Set forth a summary of facts giving rise to cause(s) of action:
8. Identify most serious injuries sustained:
9. Is there any permanent injury claimed? YES NO
If yes, indicate the type of permanent injury:
10. Please identify each medical treatment facility or medical provider by name, address, and dates of medical treatment:
11. Is medical treatment continuing? YES NO
If “yes”, please identify at which facility or provider.
12. Has there been an inpatient hospitalization? YES NO
13. Has there been any surgery, injection or diagnostic testing performed? YES NO
If yes, indicate the type of surgery, injection or diagnostic test performed:
14. Approximate medical bills to date:
15. Approximate medical bills recoverable in this case:
16. In Automobile cases, has PIP been exhausted? If available, please provide a PIP Log to all counsel prior to the Conference.

17. In Automobile cases, please identify Plaintiff's tort status. Please also provide the executed tort waiver in effect as of date of loss and the Declaration Page to all counsel prior to the Conference. If there is an issue with Plaintiff's tort status, please explain.
18. Are there any existing liens (Workers' Compensation, DPW, Medical, etc.)? YES NO
 If yes, what type and approximate amount?
19. Was Plaintiff working at the time of the accident or occurrence? YES NO
 If yes, identify Plaintiff's occupation:
20. Is there a claim for past lost wages? YES NO
 If yes, approximate past lost wages:
21. Is there a claim for future lost earning capacity? YES NO
 If yes, approximate future lost earning capacity:
22. Other than the parties, identify by name and, if known, the address and telephone number of each individual likely to have discoverable information—along with the subjects of that information—that the disclosing party may use to support its claims or defenses, unless the use would be solely for impeachment. Counsel should demonstrate reasonable effort in identifying witnesses.

Individual 1 - Name, address and telephone number or person and subject of discoverable information:

Individual 2 - Name, address and telephone number of person and subject of discoverable information:

FOR THE DEFENDANT:

23. If an answer has been filed, set forth a summary of the applicable defense(s) or any counterclaim, if known:
24. At this time, does the Defense contest:
- | | | | |
|----|----------------------|--------|---------|
| a. | liability | YES NO | UNKNOWN |
| b. | causation | YES NO | UNKNOWN |
| c. | economic damages | YES NO | UNKNOWN |
| c. | non-economic damages | YES NO | UNKNOWN |
26. Identify all known insurance coverage, including excess coverage, under which an insurance business may be liable to satisfy all or part of a possible judgment in the action or to indemnify or reimburse for payments made to satisfy the judgment:

<i>Defendant</i>	<i>Insurance Carrier</i>	<i>Coverage Limits</i>
------------------	--------------------------	------------------------

Defendant 1

Defendant 2

Please provide the Declaration(s) Page, if available, to all counsel prior to the Conference.

27. At this time, are you aware of issues as to the applicability of the above insurance coverage?

YES NO N/A

If you stated “YES” or “N/A”, please explain:

28. Other than the parties, identify by name and, if known, the address and telephone number of each individual likely to have discoverable information—along with the subjects of that information—that the disclosing party may use to support its claims or defenses, unless the use would be solely for impeachment. Counsel should demonstrate reasonable effort in identifying witnesses.

Individual 1 - Name, address and telephone number of person and subject of discoverable information:

Individual 2 - Name, address and telephone number of person and subject of discoverable information:

***This section is to be completed in all cases other than
personal injury.***

1. Date of contract or transaction: _____

2. Date of birth of your client: _____ Age on date of transaction: _____
Unknown ____ Decline to provide _____

NOTE: Date of birth information is intended for the Court's use only. The information will not be made available to the public.

3. Is there a writing? Yes ____ No ____

If yes, is there an allegation that the writing does not contain the entire agreement of the parties?

Yes ____ No ____

4. Is the Uniform Commercial Code applicable to this case? Yes ____ No ____

5. Set forth a summary of facts giving rise to the cause of action:

6. Are there any related cases or claims pending? Yes ____ No ____

If so, list caption(s) and docket number(s) or other appropriate identifier(s): _____

7. Specific questions regarding ejectment and other property matters:

(a) How did plaintiff obtain title (Sheriff sale, deed transfer, etc.)? _____

(b) Date of Sheriff's sale or deed transfer: _____

(c) Date of deed's recording: _____

(d) Was a copy of the deed filed with the complaint, if not explain? _____

(e) Was there ever a lease, if so when? _____

8. State the amount of damages claimed by Plaintiff:

(a) Direct _____

(b) Consequential _____

(c) Other (specify) _____

9. Set forth a summary of facts in support of applicable defense(s) or any counterclaim:

If there is a counterclaim, state the amount of damages sought:

(a) Direct

(b) Consequential

(c) Other (specify)

10. Identify all applicable insurance coverage:

<i>Defendant</i>	<i>Insurance Carrier</i>	<i>Coverage Limits</i>
_____	_____	_____
_____	_____	_____

11. Demand: \$ _____ Offer: _____
\$ _____