

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

**ADMINISTRATIVE DOCKET NO. 05 OF 1998
ADMINISTRATIVE ORDER SUR PETITIONS FOR EXTRAORDINARY
RELIEF SEEKING LEAVE TO FILE A MOTION TO AMEND NEW
MATTER AND THE MOTIONS TO AMEND NEW MATTER IN
ALL CASES INVOLVING THE PIGA**

AND NOW, this 13 day of July, 1998, upon consideration of (1) the Petitions for Extraordinary Relief seeking Leave to File Motions to Amend New Matter filed by defendant(s) insured by PIGA, and (b) Pa. Rules of Civil Procedure 1030, 1033, and (c) the Provisions of 40 P.S. Chapter 2, ARTICLE XVIII, Pennsylvania Property and Casualty Insurance Guarantee Association, 40 P.S. §§991.1801 et seq. (The "Act"), and (d) the pendency of the Declaratory Judgment action in the Pennsylvania Commonwealth Court styled: Pennsylvania Property and Casualty Guarantee Associations v. Birely, et al., MISC DKT No. 343MD98 (the "Birely case"), and (e) all matters of record in the pertinent pending action in this Court, the following Order is entered:

1. It is ORDERED that all Petitions for Extraordinary Relief are deemed granted only to the extent that they seek leave to file a Motion to Amend New Matter to include the provisions of 40 P.S. §§991.1801 et seq., and specifically 40 P.S. §991.1807.
2. It is ORDERED that all Petitions for Extraordinary Relief are deemed denied to the extent they seek leave to file a Motion to Amend New Matter to raise any matter or defense other than the provisions of 40 P.S. §991.1807.
3. With respect to those Motions to Amend New Matter to plead 40 P.S. §991.1807, it is ORDERED that: (A) The Motions to File New Matter are deemed marked moot, it appearing that the issue is not ripe for determination; and (B) This ruling is without prejudice for the movant to file an appropriate motion raising this issue, if necessary, when either the Commonwealth Court renders a decision in the Birely case or a verdict in favor of plaintiff(s) in the pertinent case is entered of record.

**JOHN W. HERRON
ADMINISTRATIVE JUDGE,
TRIAL DIVISION**

This Administrative Docket is promulgated in accordance with the April 11, 1997 Order of the Supreme Court of Pennsylvania, Eastern District, No. 55, Judicial Administration, Docket No. 1, Phila. Civ. 51 and Pa. R.C.P. 239, and shall become effective immediately. As required by Pa. 239, the original Administrative Docket shall be filed with the Prothonotary in a docket maintained for Administrative Dockets issued by the Administrative Judge of the Trial Division and copies shall be submitted to the Administrative Office of Pennsylvania Courts, the Legislative Reference Bureau and the Civil Procedural Rules Committee. Copies of the Administrative Docket shall also be submitted to Legal Communications, Ltd., *The Legal Intelligencer*, Jenkins Memorial Law Library and the Law Library for the First Judicial District.