

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

No. 15 of 2022

President Judge General Court Regulation

***In re: Adoption of Philadelphia Court of Common Pleas Civil Rules *204.1, *215, *1041.1 and
Recission of Philadelphia Court of Common Pleas Civil Rule *1569***

ORDER

AND NOW, this 20th day of September, 2022, the Board of Judges of Philadelphia County having voted at the Board of Judges' meeting held on September 15, 2022, to adopt Philadelphia Court of Common Pleas Civil Rules *204.1, *215, *1041.1, and to rescind Philadelphia Court of Common Pleas Civil Rule *1569, as attached to this Order, and, as required by Pa.R.J.A. 103, the Supreme Court Criminal Procedural Rules Committee has reviewed the attached local rules, has determined that Rules *204.1, *215, *1041.1 are not inconsistent with applicable statewide rules, and has authorized their promulgation.

NOW, therefore, it is hereby ORDERED and DECREED that Philadelphia Court of Common Pleas Civil Rules *204.1, *215, *1041.1 are adopted, as attached, effective thirty days after publication in the *Pennsylvania Bulletin*.

It is further ORDERED and DECREED that Philadelphia Court of Common Pleas Civil Rule *1569 is rescinded, effective thirty days after publication in the *Pennsylvania Bulletin*.

As required by Pa.R.J.A. 103(d), the local rule which follows this Order was submitted to the Supreme Court of Pennsylvania Criminal Procedural Rules Committee for review, and written notification has been received from the Rules Committee certifying that the local rule is not inconsistent with any general rule of the Supreme Court. This Order and the attached local rule shall be filed with the Office of Judicial Records (formerly the *Prothonotary, Clerk of Courts and Clerk of Quarter Sessions*) in a docket maintained for Administrative Orders issued by the First Judicial District of Pennsylvania. As required by Pa.R.J.A. 103(d)(5)(ii), two certified copies of this Administrative Order and the attached local rule, as well as one copy of the Administrative Order and local rule shall be distributed to the Legislative Reference Bureau on a computer diskette for publication in the *Pennsylvania Bulletin*. As required by Pa.R.J.A. 103(d)(6) one certified copy of this Administrative Order and local rule shall be filed with the Administrative Office of Pennsylvania Courts, shall be published on the website of the First Judicial District at <http://courts.phila.gov>, and shall be incorporated in the compiled set of local rules no later than 30 days following publication in the *Pennsylvania Bulletin*. Copies of the Administrative Order and local rules shall also be published in *The Legal Intelligencer* and will be submitted to *American Lawyer Media*, *Jenkins Memorial Law Library*, and the Law Library for the First Judicial District.

BY THE COURT:

/s/ Idee C. Fox

HONORABLE IDEE C. FOX
President Judge, Court of Common Pleas
Philadelphia County

PROPOSED AMENDMENT OF Phila. Civ. R. 1041.1

(A) *Long Form Complaint.*

- (1) Counsel representing plaintiffs in asbestos cases may file a Long Form Complaint under the General Asbestos Pleading Numbers. The Long Form Complaint shall set forth all theories of recovery and all liability allegations that the counsel filing it expects to advance in any asbestos case. To the greatest extent possible, all counsel regularly representing plaintiffs in asbestos cases should attempt to agree on a single Long Form Complaint subscribed to by each of them.
- (2) The Long Form Complaint shall sufficiently identify each defendant against whom claims for asbestos related personal injuries are expected to be pursued and shall include the capacity in which each defendant will be sued.
- (3) Upon approval of a Long Form Complaint by the Court, it shall be deemed to apply to all cases subsequently filed by that counsel. Counsel may subsequently file an Amended Long Form Complaint which shall then become the designated Long Form Complaint for that counsel without leave of Court, provided that no objection to the amendment is made by any party within thirty days of its filing with the Court.
- (4) All theories of recovery and all liability allegations, including allegations of successor or predecessor liability, contained in any Long Form Complaint or Amended Long Form Complaint shall be automatically deemed denied and at issue as to any and all defendants.

(B) *Short Form Complaint.* Counsel who have filed a Long Form Complaint shall file and serve a Short Form Complaint in every asbestos case thereafter, containing the following information:

- (1) The name, address, social security number and date of birth of each plaintiff or decedent;
- (2) A list of the specific defendants against whom the claim is being made. Any defendant not previously identified in the Long Form Complaint must be sufficiently identified in the Short Form Complaint, including the capacity in which the defendant is being sued. Counsel are reminded of the provisions of Pa.R.C.P. 1023(b) regarding certification of the contents of pleadings, and are cautioned that no defendant may be included in a Short Form Complaint unless, after reasonable inquiry, it is believed in good faith that there exists a valid cause of action against that defendant;
- (3) A complete employment history, including location and type of employment;
- (4) The asbestos exposure dates with identification of corresponding employment;
- (5) To the extent possible, the name and manufacturer of each asbestos-containing product to which exposure is alleged;
- (6) With respect to each product identified in paragraph (5) above, the inclusion dates of exposure and the job site at which the exposure occurred;
- (7) The disease claimed, along with date of diagnosis and the date of the plaintiff's first knowledge of the asbestos-related injuries;
- (8) A statement as to whether or not a claim for lost wages is being asserted;
- (9) If appropriate, the date of death, the authority of the named plaintiff to bring the suit and the persons entitled to recover under the relevant statutes; and
- (10) If appropriate, any unusual allegations or jurisdictional statements specific to the particular case, which are not included in the Long Form Complaint.

(C) *Responsive Pleadings by Defendants.*

(1) In response to each Long Form Complaint, the defendants regularly named in asbestos cases may collectively assert all affirmative defenses on behalf of all defendants. This shall be accomplished by the filing of a pleading known as the defendants' Long Form New Matter. The defendants' Long Form New Matter shall be filed with the Court within thirty (30) days of the filing of the Long Form Complaint to which it responds. The Long Form New Matter shall be deemed incorporated as a response to each Short Form Complaint filed under each Long Form Complaint. Defendants need not file responses to the liability allegations of the Long Form Complaint, including allegations of citizenship, place of doing business, and predecessor or successor liability, as they are automatically deemed denied and at issue. The defendants' Principal New Matter may be supplemented or amended at subsequent times by the filing of a Supplemental New Matter.

(2) (a) In response to a Short Form Complaint, each defendant may file an Entry of Appearance and Answer to Complaint, containing the name, address and telephone number of counsel representing each defendant, together with a statement incorporating the Long Form New Matter. Without waiver of the right to file preliminary objections or to contest jurisdiction or service, the filing of an Entry of Appearance and Answer to Complaint by a defendant shall be deemed to constitute a denial of all theories of recovery and all liability and damage allegations contained in the Long Form Complaint and the Short Form Complaint and an assertion of all defenses contained in the Long Form New Matter.

(b) If a complaint other than a Short Form Complaint is used by a plaintiff in a particular action, a defendant may file a Short Form Answer which responds only to allegations concerning the identity of the answering defendant. All remaining allegations shall be deemed denied and at issue. The Short Form Answer may set forth affirmative defenses by way of new matter, may incorporate by reference the defendants' Long Form New Matter, or may include any combination of both.

(3) A defendant may file preliminary objections, but any objections to personal jurisdiction, venue or service shall be deemed to have been waived unless they are filed within ninety (90) days after service of the complaint.

(4) Claims for contribution or indemnity by and among the defendants shall be implied and need not be asserted in a Short Form Answer. All such claims shall be deemed denied without the necessity of filing a reply.

(5) All new matter shall be deemed denied by all parties without the necessity of filing a reply.

(D) *Joinder of Additional Defendants.*

(1) An additional defendant joined by one defendant shall be deemed to have been joined by all defendants without the necessity of any further pleadings.

(2) Joinder of additional defendants shall be by means of a Short Form Joinder Complaint which shall consist of the following information:

(a) Identification of each additional defendant, including the capacity in which each additional defendant is being joined.

(b) A statement in the following form: You are hereby joined as an additional defendant in this action and it is asserted that you are alone liable to the plaintiff, jointly and severally liable to the plaintiff and/or liable to the original defendants for contribution and/or indemnification.

(c) The legal theory upon which each additional defendant is being joined if other than an alleged common law right to contribution or indemnity.

- (3) A copy of the plaintiff's complaint or Short Form Complaint shall be attached to the Short Form Joinder Complaint.
- (4) The Short Form Joinder Complaint must be filed and served in accordance with the Pennsylvania Rules of Civil Procedure.
- (5) A party joined as an additional defendant may file an Entry of Appearance and Answer to Complaint in accordance with the provisions of paragraph (C) (2)(a) above, which shall constitute a denial of all liability and damage allegations of the joinder complaint and the plaintiff's complaint and shall also serve to assert all defenses set forth in the defendants' Long Form New Matter.
- (6) An additional defendant may file a Short Form Answer to the joinder complaint in accordance with the provisions of paragraph (C)(2)(b) above which responds only to allegations concerning the identity of the additional defendant. All remaining allegations shall be deemed denied and at issue. The Short Form Answer may set forth affirmative defenses to the joinder complaint and the plaintiff's complaint by new matter, may incorporate by reference the defendants' Long Form New Matter, or may include any combination of both.
- (7) In response to a Short Form Joinder Complaint, an additional defendant may file preliminary objections in accordance with the limitations set forth in paragraph (C)(3) above.
- (8) Claims for contribution or indemnity against all other defendants and additional defendants shall be implied and need not be asserted in a Short Form Answer.
- (9) An additional defendant may join other additional defendants under the same procedures set forth above for joinder by an original defendant.
- (E) *Prospective Effect*. This rule shall have no effect on the rights of parties in actions where the pleadings were closed prior to the implementation of the procedures set forth herein.
- (F) *Permissive Pleadings*. Notwithstanding any provision of this rule, any party may file and serve upon any other party any pleading containing any claim or defense permitted under the Pennsylvania Rules of Civil Procedure.

Note: Original Order dated July 30, 1986 in In Re: Asbestos Litigation, October Term, 1986, No. 0001. Former Rule *1019.1, renumbered and amended by order dated September 19, 2022, and published in the Pennsylvania Bulletin on October 1, 2022 and effective October 31, 2022.

PROPOSED AMENDMENT OF Phila. Civ. R. 204.1

Rule *204.1 *Pleadings and Other Legal Papers. Format*

(a) In order to accommodate the filing of documents in an electronic format as authorized by Philadelphia Civil Rule *205.4, all “legal papers,” as defined in Pa.R.C.P. No. 205.4(a)(2), must conform to the following requirements:

- (1) All files must be no larger than 5MB each. If an electronic file exceeds this limit, then it must be split into multiple files;
- (2) All PDF pages must be 8 and 1/2 inches in size exactly. Other file sizes may be incompatible with electronic filing;
- (3) Except as provided in Rule *205.2(b) *Cover Sheet*, Proposed Orders, and exhibits and attachments, all pages must be numbered consecutively in Arabic figures at the bottom: e.g. 1, 2, 3 etc. On the first page, the number may be suppressed and need not appear.
- (4) No security, passwords or other restrictions may be placed on electronic files. If an electronic file contains passwords or other security devices, it will be rejected; and
- (5) After an electronic file is created, it must not be modified in any way. If an electronic filing is modified, it may be incompatible with the electronic filing system and will be rejected.

(b) In order to accommodate the scanning of legal papers presented in hard-copy format and saving in an electronic format as provided by Philadelphia Civil Rule *205.4(b)(1), in addition to the requirements of Pa.R.C.P. No. 204.1, all hard-copy “legal papers” must conform to the following requirements:

- (1) all legal papers must be printed on only one side of the paper;
- (2) all orders must contain a 3-inch space from the top of the page for all electronic court stampings, filing notices, etc.;
- (3) legal papers must not be stapled or permanently bound, but must be secured by binder clips or other fasteners which do not puncture or otherwise interfere with scanning;
- (4) bar codes on any page of the legal paper interfere with scanning and must therefore be crossed out or otherwise redacted; and
- (5) to avoid scanning errors, Exhibit separator pages must be used instead of Exhibit tabs.

Explanatory Note: The source of this rule is Administrative Docket No. 01-2008, issued by Administrative Judge D. Webster Keogh on July 16, 2008. Adopted by the Board of Judges on November 20, 2008; effective on January 5, 2009. Amended May 15, 2014, July 6, 2014 and September 19, 2022 effective October 31, 2022..

PROPOSED AMENDMENT OF Phila. Civ. R. 215

Rule *215 *Assignment of Cases in the Trial Division*

A. All cases filed in the Trial Division of the Court of Common Pleas shall be listed for trial in accordance with those management procedures in effect for the program to which a case is assigned.

(1) Arbitration Cases. All cases which when filed are subject to compulsory arbitration under Philadelphia Civil Rule *1301 shall be assigned a hearing date and time upon commencement on the face of the initial filing.

(2) Major Jury Cases. All jury cases, other than Arbitration Appeals and Mass Tort matters, shall be listed for trial by the Judicial Team Leader for that Program to which a given case is assigned in accordance with the pertinent Case Management Order. Protracted and complex cases will be listed for dates certain. Those cases classified standard and expedited typically will be assigned to a trial pool for a given Pool Month within the appropriate program. A Pool Month begins on the first Monday of each month ("Pool Month") and continues until the start date of the next Pool Month. If the case is not reached during the Pool Month, it will be placed in each successive Pool Month until the matter is called for trial.

Whether a given case is assigned a date certain or a pool month date is within the sound discretion of the Program Team Leader (or his or her designee).

(3) Non Jury Cases. All Non Jury cases will be designated as either Commerce Program or Non Jury Program cases. Commerce Program cases will be listed for trial at a status conference by the Supervising Judge of the non Jury Program, located at the Complex Litigation Center.

(4) Mass Tort Cases. All Mass Tort cases shall be listed for trial by the Supervising Judge of the Mass Tort Program, located at the Complex Litigation Center.

(5) Arbitration Appeal Cases. All Arbitration Appeal cases shall be listed for trial by the Supervising Judge at the Complex Litigation Center in a monthly trial pool in accordance with a Case Management Order. A Pool Month begins on the first Monday of each month and continues until the start date of the next Pool Month. If the case is not reached during the Pool Month, it will be placed in each successive Pool Month until the matter is called for trial.

B. Jury Trial Requests. (1) Upon commencement of an action, the plaintiff shall pay the non jury listing fee, or if a jury trial is initially demanded, the jury listing fee. (2) Thereafter, a jury trial may be demanded and perfected in accordance with Philadelphia Civil Rule *1007.1. (3) Payment of a jury fee will determine the case program assignment, except in those cases seeking equitable relief which shall be in either the Commerce Program or the Non Jury Program.

Comment: This *Rule has been completely rewritten to comport with the principles of differentiated case management and the assignment of cases by program. Counsel are advised to consult, where appropriate, the following General Court Regulations and Administrative Orders: 1. Trial Division General Court Regulation No. 94-2. (Procedure and Criteria for Advanced Trial Listings pursuant to Pa.R.C.P. 214.) 2. General Court Regulation No. 95-2. (Day Forward Program. Procedure for Disposition of Major Jury Cases Filed on and after January 2, 1996.) 3. Administrative Docket No. 01 of 1998. (Protocol for Trial Pools in the Day Backward and the Day Forward Programs.) Editor's Note: This rule may be impacted by the following: Administrative Docket No. 01 of 1999, Administrative Docket No. 02 of 2003, General Court Regulation 95-2, Administrative Docket No. 01 of 1998, Administrative Docket No. 02 of 1993, Administrative Docket No. 04 of 2005, Administrative Docket No. 05 of 2005, General Court Regulation No. 2012-01, General Court

Regulation No. 2012-03, and General Court Regulation No. 2013-01. Amended February 28, 2019, and September 19, 2022, effective October 1, 2022.

Rescission of Phila.Civ.R. * 1569,

Rule *1569 *Partition Proceedings-Master's Report.*

~~A Master appointed under Pa.R.C.P. 1558(b) shall not file his report as required under Pa.R.C.P. 1569(a) until ten (10) days after he has notified all the parties who appeared before him that it is subject to their inspection and that it will be filed on a given date, unless written exceptions be filed with the Master before that time. If exceptions are filed, the Master shall re-examine the subject and amend his report, if, in his opinion, the exceptions are well founded in whole or in part.~~

Note: Former Rule 125; originally Star Rule *1569 adopted June 7, 1956. **Rescinded October 31, 2022.**