

Rule 14. *Zoning Appeals. [Rescinded.]*

Editor's note: Rule 14 adopted November 5, 1984, effective January 2, 1985. Amended March 15, 1999, effective 30 days after publication in the *Pennsylvania Bulletin*; rescinded June 26, 2018, effective 30 days after publication in the *Pennsylvania Bulletin*.

Rule 14. *Land Use Appeals: Zoning, Subdivision and Land Development.*

- a. *Caption.* Appeals from the decision of a governing body, planning commission (where empowered to render a decision), or a zoning hearing board shall be captioned as follows:
 - (i) Appeal of _____ from the decision dated _____ of the [governing body, planning commission, or zoning hearing board].
 - (ii) Where appeals are filed from both a notice of decision and a decision containing findings of fact, conclusions of law, and reasons, the appeals shall be filed under the same case number assigned to the appeal filed first. The second filed notice of appeal, if any, shall be titled "Supplemental Notice of Appeal".
- b. *Service of Appeal.*
 - (i) Upon the filing of the notice of appeal of a decision of a zoning hearing board or of a decision of the governing body in a zoning matter, the appellant shall serve a copy of the notice of appeal upon the following, based upon the entity making the decision: zoning hearing board, the zoning hearing board solicitor, the municipality, the municipal solicitor, and all persons granted party status before the zoning hearing board or governing body.
 - (ii) Upon the filing of an appeal from the decision of a municipality or municipal planning commission in a subdivision or land development matter or in a matter involving a planned residential development, the appellant shall serve a copy of the notice of appeal on the municipality and the municipal solicitor. In appeals of a decision of the municipality involving a planned residential development or a subdivision or land development matter where the municipality conducted a public hearing, the appellant shall also serve a copy of the notice of appeal on all persons granted party status at the public hearing.

c. *Record on Appeal.*

- (i) Within 30 days of the service of the notice of appeal, unless extended by agreement of the parties, the municipality or municipal agency shall file the return of record with the Prothonotary.
- (ii) The record in an appeal from a decision of the zoning hearing board or the decision of the governing body in a conditional use application or other zoning proceeding heard by the governing body pursuant to the Pennsylvania Municipalities Planning Code, other than as set forth in (iii) below, shall include, but not be limited to, a copy of the complete municipal zoning ordinance and zoning map, the application, transcripts, hearing or meeting exhibits, plans, drawings, municipal staff and consultant review letters, county review letters, notice of decision, decision containing findings of fact, conclusions of law, and reasons. The return of record shall include a certification from the zoning officer or other designated municipal officer that the return is the complete and accurate record and that the ordinance and map are those in effect and applicable to the subject matter of the appeal.
- (iii) The record in an appeal of a decision of the governing body or planning commission involving a subdivision, land development, or planned residential development shall include, but not be limited to a copy of the complete municipal zoning ordinance, zoning map, subdivision and land development ordinance, the application, transcripts, meeting minutes, plans, drawings, other materials submitted by the applicant, municipal staff and consultant review letters, county review letters, and the written decision or approval. The return of record shall include a certification from the zoning officer or other designated municipal officer that the return is the complete and accurate record and that the ordinances are those in effect and applicable to the subject matter of the appeal.
- (iv) Any plans submitted with the return of record shall be no larger than $8\frac{1}{2}'' \times 11''$. If any plans that are part of the record are larger than $8\frac{1}{2}'' \times 11''$, the appellant shall within 10 days of filing the notice of appeal provide the municipality or municipal agency with electronic versions of the plans to be included in the return of record. Upon request of the Court, paper copies of plans greater than $8\frac{1}{2}'' \times 11''$ shall be submitted to the Court.
- (v) Upon the filing of the return of record, the municipality or municipal agency shall serve counsel for the appellant, the

appellant (where the appeal is filed pro se), and all persons granted party status at a public hearing held by the zoning hearing board or municipality with a copy of the list of documents and materials filed as part of the return of record.

- (vi) An application for relief may be filed in the event of non-compliance with this rule for consideration by the Court, which may impose sanctions.
- d. *Intervention.* Other than the notice of intervention permitted by section 1004-A of the Pennsylvania Municipalities Planning Code, 53 P.S. § 11004-A, intervention shall be governed by the Pennsylvania Rules of Civil Procedure.
- e. *Supplementation of the Record.* A petition for supplementation of the record shall be filed no later than 30 days from the date of the filing of the return of record or for a party permitted to intervene, 30 days from the date of the order allowing intervention. The responding party shall file and serve its answer within 20 days of the date of mailing of the petition for supplementation of the record. Following the filing of the answer, the petition shall be addressed by the Court.
- f. *Additional Evidence.* A petition for additional evidence shall be filed no later than 60 days from the date of the filing of the notice of appeal or for a party permitted to intervene 30 days from the date of the order allowing intervention. The responding party shall file and serve its answer within 20 days of the date of mailing of the petition. Following the filing of the answer, the petition shall be addressed by the Court.
- g. *Petition for Bond.* A petition for bond shall be filed no later than 60 days from the filing of the notice of appeal. The responding party shall file its answer within 20 days of the date of mailing of the petition. Following the filing of the answer, the petition shall be addressed by the Court.
- h. *Briefing and Argument.* Subject to pending motions or petitions, on or after 90 days from the date of the filing of the notice of appeal, the Court shall issue a scheduling order for briefing and argument.
- i. *Land Use Appeals Settlement Stipulation Verification.* Any Settlement of a Land Use Appeal shall include a Land Use Appeal Settlement Stipulation Verification.

See Forms Index

Editor's note: Adopted June 26, 2018, effective 30 days after publication in the *Pennsylvania Bulletin*; amended May 14, 2019, effective 30 days after publication in the *Pennsylvania Bulletin*.

Rule *200. *Trial Readiness. [Rescinded.]*

Editor's note: Adopted October 19, 2015. Effective January 1, 2016; rescinded March 10, 2020, effective on April 13, 2020.

Rule *200. *Trial Readiness.*

- (1) *Application.* This Local Rule shall apply to all civil actions requiring a Cover Sheet pursuant to Rule 205.5 filed on or after January 1, 2016, excluding cases commenced by Petition, Declaration of Taking, Zoning Appeals, Board of Assessment Appeals, Declaratory Judgment and Mass Tort cases. The maximum time limits noted herein, including those identified in a Case Management Order or subsequent Order of Court pursuant to subsection (e), supersede any similar time limits established pursuant to the agreement of the parties, or pursuant to a Discovery Management Order under Local Rule 4019*;
- (2) Nothing in this rule shall relieve the parties from the duty to move a civil action forward expeditiously, including, but not limited to:
 - i) Prompt commencement and completion of fact discovery from the commencement of any civil action subject to this local rule;
 - ii) Exchange of expert reports and curricula vitae of said experts, or answers to expert interrogatories;
 - iii) The filing of dispositive motions promptly after the completion of discovery.
- (3) *Within Arbitration Limit Cases.*
 - a) A civil action requiring a Cover Sheet pursuant to Rule 205.5, whereon the filing party checked the box in Section A noting the dollar amount requested is “within arbitration limits” (excepting those involving title to real estate and equity cases), shall be praeciped for Arbitration by the parties, pursuant to Local Rule 1302, within 9 months of the date of filing of said action, or in the event such a civil action is commenced in Montgomery County as a “transfer from another jurisdiction”, within 9 months of the transfer date;
 - b) Parties may request an expedited Case Management Conference at any time after service on all parties of any civil action subject to this local rule;
 - c) If an arbitration limit case is not praeciped for Arbitration within 9 months of the date of filing or transfer of said action, the case will be scheduled by the Court for a Case Management Conference before the Court or its designee;

- d) At the Case Management Conference, all parties shall be prepared to explain the status of discovery, the status of the case and shall have authority to engage in settlement discussions. A Case Management Order will be entered which establishes the following, if applicable:
 - i) A date for completion of all discovery, except for depositions for use at trial;
 - ii) A date for plaintiff to submit expert reports and curricula vitae of said experts, or answer expert interrogatories;
 - iii) A date for defendant to submit expert reports and curricula vitae of said experts, or answer expert interrogatories;
 - iv) A date for the filing of all dispositive motions, and any responses thereto;
 - v) The transfer of said case to the Outside Arbitration Limit track, with set dates as noted above, based on a change in the determination of the amount in controversy;
 - e) In no event shall the dates in the Case Management Order, as noted in subsection (c) above, extend beyond 60 days from the date of the Case Management Order. Absent the filing of an intervening Arbitration Praecipe, the case will automatically be placed in the Arbitration Inventory, for the scheduling of an Arbitration Hearing, 60 days from the date of the Case Management Order;
 - f) Any extension of a deadline set forth in a Case Management Order under this Rule (or an Order under Local Rule 212.1(d)(4) or Local Rule 4019(5)) may be obtained only through a Motion for Extraordinary Relief. The Motion shall set forth the reasons for the requested relief and the reasons that the current deadlines cannot be met despite diligent effort. Any party opposing the Motion shall have 10 days in which to respond, after which time the Court will enter an appropriate order. Argument may be scheduled by the Court. The parties may not obtain an extension of any such deadlines by stipulation.
- (4) *Outside Arbitration Limit Cases.*
- a) A civil action requiring a Cover Sheet pursuant to Rule 205.5, whereon the filing party checked the box in Section A noting the dollar amount requested is “outside arbitration limits”, shall be praeciped for Trial by the parties, pursuant to Local

Rule 212.1*(d), within 18 months of the date of filing of said action or in the event such a civil action is commenced in Montgomery County as a “transfer from another jurisdiction”, within 18 months of the transfer date;

- b) Parties may request an expedited Case Management Conference at any time after service on all parties of any civil action subject to this local rule;
- c) If an outside-arbitration limit case is not praeciped for Trial within 18 months of the date of filing or transfer of said action, the case will be scheduled by the Court for a Case Management Conference before the Court or its designee;
- d) At the Case Management Conference, all parties shall be prepared to explain the status of discovery, the status of the case and shall have authority to engage in settlement discussions. A Case Management Order will be entered which establishes the following, if applicable:
 - i) A date for completion of all discovery, except for depositions for use at trial;
 - ii) A date for plaintiff to submit expert reports and curricula vitae of said experts, or answer expert interrogatories;
 - iii) A date for defendant to submit expert reports and curricula vitae of said experts, or answer expert interrogatories;
 - iv) A date for the filing of all dispositive motions, and any responses thereto;
 - v) The transfer of said case to the Within Arbitration Limit track, with set dates as noted above, based on a change in the determination of the amount in controversy;
- e) In no event shall the dates in the Case Management Order, as noted in subsection (c) above, extend beyond 120 days from the date of the Case Management Order. Absent the filing of an intervening Trial Praecipe, the case will automatically be placed in the Civil Trial Inventory, for the scheduling of a Pre-Trial Conference, 120 days from the date of the Case Management Order;
- f) Any extension of a deadline set forth in a Case Management Order under this Rule (or an Order under Local Rule 212.1(d)(4) or Local Rule 4019(5)) may be obtained only through a Motion for Extraordinary Relief. The Motion shall set forth the reasons for the requested relief

and the reasons that the current deadlines cannot be met despite diligent effort. Any party opposing the Motion shall have 10 days in which to respond, after which time the Court will enter an appropriate order. Argument may be scheduled by the Court. The parties may not obtain an extension of any such deadlines by stipulation.

- (5) *Track Transfer*. If at any time during the pendency of an action subject to this Rule, based on subsequent pleadings or a change in the determination of the amount in controversy, a party or parties determine that the case is not on the appropriate track, the party/parties can request the scheduling of a Case Management Conference before the Court or its designee, wherein the issue will be resolved. A Court Order is required to transfer a case from one track to another. The Court can, sua sponte, order the transfer of a case from one track to another.

Comments:

1. Zoning Appeals cases shall proceed pursuant to Local Rule 14;
2. Board of Assessment Appeal cases shall proceed pursuant to Local Rule 920;
3. Asbestos cases shall proceed pursuant to Local Rule 1041.1;
4. All cases involving title to real estate and equity cases are considered "Outside Arbitration Limit Cases."
5. See Local Rule 4019*.2(2) for the time limit on filing any motion to compel discovery.

Editor's note: Adopted March 10, 2020, effective on April 13, 2020; amended September 12, 2023, effective 30 days after publication in the *Pennsylvania Bulletin*.

Rule *205.2(a). *Required Redaction of Pleadings and Other Papers Filed with the Court.*
[Rescinded.]

Editor's note: Adopted November 3, 2010, effective upon publication on the Pennsylvania Judiciary's Web Application Portal; rescinded November 27, 2017, effective on January 6, 2018.

Rule *205.2(b). *Cover Sheet.*

The cover sheet required by Rules 208.3(b), 1028(c), 1034(a) and 1035.2(a) shall be as follows:

- (a) Cover Sheet of Moving Party

<i>See Forms Index</i>

- (b) Cover Sheet of Respondent

See Forms Index

Comment: The Cover Sheet forms referenced in this rule are available online at www.montcopa.org/prothy/forms.html.

Editor's note: Revised April 14, 2004, effective July 26, 2004; amended November 4, 2004, effective upon publication on the web site of the Administrative Office of Pennsylvania Courts (www.ujportal.pacourts.us); amended May 24, 2010, effective upon publication on the Pennsylvania Judiciary's Web Application Portal.

Rule 205.4*. *Electronic Filing and Service of Legal Papers.*

- (a)(1) The Montgomery County Court of Common Pleas hereby permits the electronic filing of legal papers and the electronic service of such papers, under the terms described in this Local Rule.
- (b)(1) All legal papers shall be presented for electronic filing in portable document format ("pdf"). As authorized by Pa.R.C.P. No. 205.4(b)(1), in the event any legal paper is submitted to the Prothonotary in a hard-copy format, the Prothonotary shall convert such legal paper to pdf and maintain it in that format. The Prothonotary shall return the hard-copy legal paper to the filing party for retention as required by Pa.R.C.P. No. 205.4(b)(4).
- (c)(2) All legal papers that are filed electronically shall be filed through the Prothonotary's Electronic Filing System ("Electronic Filing System") which shall be accessible through the Montgomery County Prothonotary's web site, www.montcopa.org/prothy. To obtain access to the Electronic Filing System, counsel and any unrepresented party must apply to the Prothonotary's Office for a User Name and Password.
- (d)(1) The Prothonotary will accept for payment of all filing fees the following credit and debit cards: American Express, Discover, MasterCard and Visa. The Prothonotary will not accept advance deposit on account of future filing fees.
- (f)(1) Upon receipt of the legal paper, the Prothonotary shall provide the filing party with an acknowledgment, which includes the date and time the legal paper was received by the Electronic Filing System. The Prothonotary shall also provide the filing party with notice that the legal paper was accepted for filing. If a legal paper is not accepted upon presentation for filing or is refused for filing by the Electronic Filing System, the Prothonotary shall immediately notify the party presenting the legal paper for filing of the date of presentation, the fact that the document was not

accepted or refused for filing by the system, and the reason therefor.

(2) Neither the Court nor the Prothonotary shall be required to maintain a hard copy of any legal paper, notice or order filed or maintained electronically under this rule.

Editor's note: Previous Rule 205.4* rescinded and current rule adopted September 29, 2008, effective upon publication in the Pennsylvania Judiciary's Web Application Portal. Adopted May 16, 2013, effective May 30, 2013, published May 29, 2013.

Rule 205.6*. ***Confidential Information and Confidential Documents. Certification. [Rescinded.]***

Editor's note: Adopted November 27, 2017, effective on January 6, 2018; rescinded December 14, 2021, effective on December 31, 2021.

Rule 206.1(a). ***Petition. Definition.***

The following applications are defined as “petitions”, and are to be governed by Rule 206.1, et seq:

- (1) an application to transfer venue on the ground of forum non conveniens.
- (2) an application to strike and/or open a judgment by confession.

Comment: The following applications are not governed by Rule 206.1, et seq., or by Rule 208.1, et seq., but rather are governed by the provisions of the general rule(s) governing the particular matter: Request to Appoint Trustee or Receiver pursuant to Pa.R.C.P. 1533; Petition to Compromise, Settle or Discontinue Minor's Action pursuant to Pa.R.C.P. 2039 and Local Rule 2039(a)*; Petition for Supplementary Relief in Aid of Execution pursuant to Pa.R.C.P. 3118; Petition to Fix Fair Market Value of Real Property Sold pursuant to Pa.R.C.P. 3282; Petition for Appointment of Viewers pursuant to 26 Pa.C.S. § 502; Petition to Post Bond in Land Use Appeals pursuant to 53 P.S. § 11003-A; Petition for Change of Name pursuant to 54 Pa.C.S.A. § 701 et seq.

Editor's note: Revised April 14, 2004, effective July 26, 2004; amended September 12, 2023, effective 30 days after publication in the *Pennsylvania Bulletin*.

Rule 206.4(c). ***Issuance of a Rule to Show Cause. [Rescinded.]***

Rule 206.4(c). ***Issuance of a Rule to Show Cause.***

- (1) *Issuance.* A Rule to Show Cause for petitions governed by Rule 206.1, et seq., shall issue as a matter of course pursuant to Rule 206.6. Petitions governed by this Rule shall be filed along with:
 - (a) a cover sheet in the form set forth in Local Rule 205.2(b),
 - (b) a brief or memorandum of law, as set forth in Local Rule 210,

(c) a proposed order in the following form:

See Form Proposed Order

See Forms Index

(d) a proposed order granting the relief requested by the petition.

The petition and proposed orders shall be filed in the Prothonotary's Office, and forwarded to the Court Administrator, who shall have the authority to sign the Rule to Show Cause Order.

If a petitioner requests a stay of proceedings pending disposition of a petition, the Court Administrator shall promptly refer the stay request to the Civil Equity/Emergency Judge for review and determination.

(2) *Response.* Within the time stated in the Rule to Show Cause, the respondent shall file an answer to the petition. The answer shall be filed along with:

- (a) a cover sheet in the form set forth in Local Rule 205.2(b),
- (b) a brief or memorandum of law, as set forth in Local Rule 210, and
- (c) a proposed order.

(3) *Discovery.* Any depositions or other discovery on factual issues raised by the petition and answer shall be concluded within forty-five (45) days from the date of the Rule to Show Cause Order. Any supplemental briefs addressing facts elicited through such discovery shall be filed within sixty (60) days from the date of the Rule to Show Cause Order.

See Form Argument Praecepte

See Forms Index

(4) *Argument Praecepte.* If the petitioner and respondent agree that no discovery on the petition is required or that all such discovery and supplemental briefing have been completed, then either party may file an Argument Praecepte in the following form:

(5) *Disposition.* If the respondent fails to file a timely answer, then the matter shall be immediately referred to a Judge, who will consider the petition on its merits and enter an appropriate order in accordance with Rule 206.7(a). If a timely answer is filed, then the matter shall be referred to a Judge for disposition (a) upon the filing of an Argument Praecepte or (b) after sixty (60) days from

the date of the Rule to Show Cause Order, if no Argument Praecepte has been filed. Oral argument shall be held only if ordered by the Judge.

Comment:

1. The forms referenced in this rule are available online at www.montgomerycountypa.gov/945/forms.

2. The term "Argument Praecepte" has been retained as one familiar to the Bar, even though the holding of oral argument is discretionary.

Editor's note: Amended August 7, 2012, effective upon publication on the Pennsylvania Judiciary's Web Application Portal. Amended October 15, 2015, effective January 1, 2016. Amended December 9, 2015, effective upon publication on the UJS Portal; rescinded and replaced September 12, 2023, effective 30 days after publication in the *Pennsylvania Bulletin*.

Rule 208.2(c). *Motion. Brief Statement of Applicable Authority*

Any motion filed pursuant to Rule 208.1 shall include a brief statement of the applicable authority.

Editor's note: Revised April 14, 2004, effective July 26, 2004.

Rule 208.2(d). *Uncontested Motions. Certification.*

If counsel for the moving party determines that a motion is uncontested by all parties involved in the case, counsel may file a certification that the motion is uncontested. This certification language is included on the cover sheet of the moving party required by Local Rule 208.3(b). By checking the appropriate box on the cover sheet of the moving party, and signing the certification section of the cover sheet, counsel for the moving party will satisfy the certification requirement under this Rule. Disposition of an uncontested motion is governed by Local Rule 208.3(a).

Editor's note: Revised April 14, 2004, effective July 26, 2004.

Rule 208.2(e). *Motions Related to Discovery. Certification.*

Any motion relating to discovery must include a certification by counsel for the moving party that counsel has conferred or attempted to confer with all interested parties in order to resolve the matter with out court action. This certification language is included on the cover sheet of moving party required by Local Rule 208.3(b). By checking the appropriate box on the cover sheet of the moving party, and signing the certification section of the cover sheet, counsel for the moving party will satisfy the certification requirement under this rule.

Editor's note: Revised April 14, 2004, effective July 26, 2004