

RULE L208.3(a) MOTIONS PROCEDURE - MOTIONS COURT This rule added
4/8/2009

(1) Motion Court Session. There shall be a session of the Court for presentation of motions, appropriate requests and applications, one day per week with each civil court judge. The days and times of Motion Court for each respective judge are posted with the Court's calendar. The Court's motion calendar is posted on the local website, butlercountypa.gov.

(a) If no judicial assignment has been made in a civil case, moving counsel or party shall obtain a judge assignment for the case from the Office of the Prothonotary. Thereafter, civil motions shall be presented to the assigned judge during that judge's Motion Court session.

(2) Filing. Uncontested motions and contested motions may be filed in the office of the Prothonotary or in Motions Court. Upon filing with the Prothonotary, the Prothonotary shall place appropriate stamps and notations on each motion, make an appropriate docket entry and promptly forward the motion to the Court Administrator for presentation to a judge for the entry of an appropriate order. Except for emergency motions, motions will be considered by the judge assigned to the case during that judge's weekly Motions Court session. Motions presented during Motions Court shall be reflected in the court record and shall be logged in the Court Administration log book. The Motion shall thereafter be docketed by the Prothonotary upon its receipt from the Judge or Court Administration.

(3) Emergencies. In the case of a true emergency, a motion, appropriate request or application shall be presented to the Court Administrator who will immediately refer the matter to a judge for consideration. If a moving party claims that an emergency exists, the nature of the emergency, and the reasons why any required notice could not be given, must be set forth in the motion, request or application being filed.

(4) Uncontested Motions. Uncontested motions are defined as those:

(a) Where all parties or their counsel of record have consented to the motion and order. Counsel may certify that all parties or their counsel have consented or attach written consent; or

(b) Where the proposed order seeks only a rule to show cause with a return hearing or argument date and no such other further relief; or

(c) Where the proposed order seeks only the appointment of a master, mediator or hearing officer and no such other further relief.

(5) Required pre-filing notice. Before any motion is filed, the moving party shall serve a copy of the motion, request or application and any proposed order, and a statement of the date and time of the intended presentation, to counsel of record and any unrepresented party at least five days in advance of the presentation. Service may be accomplished personally, by first class mail, or by facsimile transmission. Service shall be made pursuant to Pa.R.C.P. 440.

(6) Cover Sheet. A cover sheet that may from time to time be adopted by Administrative Order shall be attached to each contested and uncontested motion and every copy of the same that is filed or served (cover sheet attached hereto).

(a) Any motion, request or application that is filed without the required certification of notice and service on the cover page may not be substantively acted upon by the court.

(7) Verification. A motion that sets forth facts not of record shall be properly verified.

(8) Suggested Order. Every motion, request and application shall have attached thereto a suggested order concerning the relief that is requested by the moving party.

IN THE COURT OF COMMON PLEAS OF BUTLER COUNTY, PENNSYLVANIA

Plaintiff(s),
vs.
Defendant(s).

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CIVIL DIVISION
CASE NO. _____

I. Notice

You are hereby notified the attached matter will be:

- Filed on _____ 20_____.
- Presented to Assigned Judge _____ on _____ at 9:00 a.m.

II. Certificate of Notice/Service

I gave reasonable prior notice of filing and a copy of this document to:

_____ at _____
on _____ by:

Personal Service Fax Mail Other _____

III. Information for Court Administrator

Is this an original filing in this case? No Yes

Judge Assignment:

- Thomas Doerr (Courtroom 5) Michael Yeager (Courtroom 3)
- Other _____

Adverse Party position: Opposes Consents Unopposed Unknown

I certify all the above statements are true and correct.

Date

Signature

Counsel for: _____