

**FILING MOTIONS/PETITIONS/STIPULATIONS THROUGH E-FILE
CIVIL (NON-FAMILY) MOTIONS PRACTICE IN DELAWARE COUNTY**

Civil Motions and Petitions and Preliminary Objections are governed by Delaware County Local Rules of Civil Procedure 205.2(a), 205.2(b), 206.1(a), 206.4(c), 208.1, 208.2, 208.2(d), 208.2(e), 1028(c), 1034(a) and 1035.2(a). <http://www.co.delaware.pa.us/courts/localrules/CivilRules.pdf>

When filing a Motion or Petition, you should include the following:

1. Motion Cover Sheet
2. Proposed Order
3. Petition or Motion
4. Exhibits, if any
5. Certificate of Service

Any Motions relating to Discovery have the additional requirement of a certificate signed by counsel for the moving party, confirming that counsel has conferred, or attempted to confer, with all interested parties in an effort to resolve the matter and shall set forth the nature of the efforts made to resolve the matter. Rule 208.2(e)

Uncontested Motions have the additional requirement of a certification that the Motion is, in fact, uncontested. Rule 208.2(d)

Preliminary Objections, Motions for Summary Judgment and Motions for Judgment on the pleadings have the additional requirement of a Memorandum of Law. Rule 1028(c)

Once a Motion or Petition is filed with and accepted by the Office of Judicial Support, the Office of the Court Administrator will be notified and will review the Motion/Petition for conformity with the above, pertinent Delaware County Local Rules of Civil Procedure. If the Motion/Petition is not in conformity, you will be notified by the Court Administrator's Office that it is not in conformity, including the reason(s) why. The Motion/Petition will not be processed. You will need to refile the entire Motion/Petition.

Motions/Petitions filed in cases assigned to Judges will be forwarded directly from the Court Administrator's Office to the assigned Judge. The Judge's staff will process your Motion/Petition.

Motions/Petitions filed in unassigned cases will be processed as follows:

- Motions which require a hearing pursuant to the above Local Rules will be assigned a hearing date by the Court Administrator's Office. A Notice of Hearing, including the date and time, will be docketed. You will be notified that a Hearing Notice has been docketed and you will further receive a copy of the Notice by e-mail. You, as filing party, are responsible for serving notice of the hearing date and time upon all other parties. You are also responsible to file a Proof of Service of the hearing date and time.

- Motions/Petitions which require a response within twenty (20) days, or thirty (30) days in the case of Motions for Summary Judgment pursuant to Local Rule 1035.2(a), will not be assigned a hearing date initially. The Court Administrator's Office will notify you that the Motion has been accepted and there is a Response due by a certain date. The Notice that a Response is due will be docketed. You will be notified the Notice has been docketed and you will further receive a copy of the Notice by e-mail. You, as filing party, are responsible for serving Notice that a Response is due by a certain date upon all other parties. You are also responsible to file Proof of Service of the day a Response is due. If a Response/Answer is filed, the Court Administrator's Office will either refer the matter to a Judge for disposition, or schedule the matter for a hearing. If the matter is scheduled for a hearing before a Judge, the Court Administrator's Office will notify all parties of the date and time of the hearing.

Requests for an extension of the response date shall continue to be in conformity with Local Rule 206.1(a)(c)(iii). The moving party shall file a Praecipe to Withdraw the Petition or Motion if the matter has been resolved or withdrawn.

IMPORTANT NOTES:

- If you are filing a Stipulation in an assigned case, it will be forwarded to the assigned Judge for review and processing.
- If you are filing a Stipulation in an unassigned case, the Stipulation will be processed by the Court Administrator's Office.
 - Stipulations related to remanding a matter to an arbitration status; transferring the case to major status; changing venue; releasing escrowed funds; joining additional parties after the statutory time period; opening a judgment need a proposed Order with the Stipulation.
 - Stipulations signed by all parties related to an amendment pursuant to Pa. R.C.P. 1033 do not require an Order.