



## **Local Rule 212.7 – Civil Case Management.**

(a) **Purpose.** Indiana County has adopted a civil case management system/process for all civil actions, except those that are excluded by this Local Rule or by Order of Court. The Court may order attorneys and any unrepresented parties to appear for one or more conferences for the purpose of:

- (1) Expediting disposition of actions;
- (2) Establishing early and continuing control so that the case will not be protracted because of lack of management;
- (3) Discouraging wasteful pretrial activities;
- (4) Improving the quality of the trial through more thorough preparation; and
- (5) Facilitating settlement.

(b) **Applicability.**

(1) The Indiana County civil case management system/process shall include the following civil matters:

- (a) Tort claims;
- (b) Mass tort claims, including, but not limited to asbestos, tobacco, and toxic tort/waste;
- (c) Contract claims;
- (d) Professional liability claims;
- (e) Actions in replevin;
- (f) Declaratory judgments; and
- (g) Appeals from money judgments by Magisterial District Judges.

(2) The Indiana County civil case management system/process shall not include the following civil matters:

- (a) Actions for custody, partial custody, and visitation of minor children;
- (b) Actions in Divorce or Annulment of marriage;
- (c) Actions for Support;
- (d) Actions pursuant to the Protection from Abuse Act;
- (e) Non-domestic relations restraining orders;
- (f) Actions involving paternity;
- (g) Change of name (adult and minors);
- (h) Partition actions;
- (i) Real estate assessment appeals; and
- (j) Landlord-tenant actions that involve a claim for possession.

(3) The Indiana County civil case management system/process may include the following civil matters, but only in the event that a defendant enters an appearance and files a responsive pleading:

- (a) Actions in ejectment;
- (b) Quiet title claims;
- (c) Adverse possession claims;
- (d) Mortgage foreclosures;

- (e) Administrative appeals, including, but not limited to, elections, statutory appeals, and zoning hearing board appeals;
- (f) Eminent domain;
- (g) Actions in mandamus;
- (h) Actions in quo warranto; and
- (i) Any other civil action not specifically identified or included in subsection (b)(1) or (b)(2) of this Local Rule.

(c) **Scheduling.** For all new filings in civil actions following the adoption of this Local Rule, the Indiana County civil case management system/process shall be triggered upon the filing of a Complaint and an appearance and filing of a responsive pleading by any defendant (hereinafter "triggering event"). Upon the triggering event, the following shall occur:

(1) The Court Program Manager shall be initially responsible for designating a case track for each matter subject to the Indiana County civil case management system/process. Case tracks shall either be Expedited or Standard. Expedited matters include, but are not limited to, actions that can be disposed of promptly (as determined by the Court), compulsory arbitration cases, and money judgment appeals from decisions of Magisterial District Judges. Standard matters are all actions that are not designated as Expedited. The Court and/or Court Program Manager shall have the ability to re-designate a case track for an action.

(2) For Expedited track matters, the Court Program Manager will submit an Initial Case Management Order, which shall include:

- (a) Whether the action involves a jury trial, nonjury trial, or arbitration;
- (b) The time period for the completion of all fact discovery. All interrogatories, request for the production of documents, depositions, and request for admissions shall be served within sufficient time to allow responses to be completed prior to the close of fact discovery; and
- (c) The scheduling of a case management conference after the time period for the completion of fact discovery has concluded.

(3) For Standard track matters, the Court Program Manager will submit a Scheduling Order for a Case Management Conference, which conference will take place no later than sixty (60) days from the triggering event.

(4) In the event that a party files Preliminary Objections, the party filing such objections shall notify the Court Program Manager in writing of the filing and either the Initial Case Management Order or the Scheduling Order for a Case Management Conference will not be issued or if already entered, the Order will be vacated. Once the Preliminary Objections are resolved and an Answer is subsequently filed, the Court Program Manager will submit either an Initial Case Management Order as set forth above for Expedited track matters or a Scheduling Order for a Case Management Conference for Standard track matters.

(d) **Conferences and Orders.** An attorney representing a party or an unrepresented party shall participate in good faith in all case management conferences and shall have the necessary authority to make decisions and stipulations about all matters that can be reasonably anticipated for discussion at the case management conference.

(1) For Expedited track matters, the Court Program Manager at the case management conference may consider and take appropriate action by Order of Court on the following matters:

- (a) Whether fact discovery is completed;
- (b) The time period for the filing of any dispositive motions and responses thereto;
- (c) The scheduling of oral argument before the Court on any dispositive motions;
- (d) The submission of the matter to mediation, private arbitration, and/or any other form of alternative dispute resolution;
- (e) The submission of the case to compulsory arbitration; and
- (f) Any other matters relevant or deemed necessary to the case, including the scheduling of an additional case management conference.

(2) For Standard track matters and at the first case management conference, the Court Program Manager may consider and take appropriate action by Order of Court on the following matters:

- (a) Whether the action involves a jury trial, nonjury trial, or arbitration;
- (b) The time period for the completion of all fact discovery. All interrogatories, request for the production of documents, depositions, and request for admissions shall be served within sufficient time to allow responses to be completed prior to the close of fact discovery;
- (c) The scheduling of a second case management conference after the time period for the completion of fact discovery has concluded; and
- (d) Any other matters relevant or deemed necessary to the case, including the scheduling of an additional case management conference.

(3) For Standard track matters and at the second and all subsequent case management conferences, the Court Program Manager may consider and take appropriate action by Order of Court on the following matters:

- (a) Whether fact discovery is completed;
- (b) The time period for the plaintiff to provide an expert report and curriculum vitae for each expert to the opposing party or parties;
- (c) The time period for the defendant to provide an expert report and curriculum vitae for each expert to the opposing party or parties;
- (d) The time period for the filing of any dispositive motions and responses thereto;
- (e) The scheduling of oral argument before the Court on any dispositive motions;
- (f) The scheduling of a pretrial conference before the Court. A tentative trial date will be given by the Court at the pretrial conference;
- (g) The submission of the matter to mediation, arbitration, and/or any other form of alternative dispute resolution; and
- (h) Any other matters relevant or deemed necessary to the case, including the scheduling of an additional case management conference.

(e) **Miscellaneous.**

(1) The parties are encouraged to engage in pretrial discovery at the earliest possible opportunity in accordance with the Pennsylvania Rules of Civil Procedure. Nothing in this Local Rule should be construed to prevent the parties from engaging in discovery prior to the case management conference and/or Order.

(2) In the event a party and/or an attorney for a party fails to appear for a case management conference, the Court Program Manager is authorized to enter an appropriate Case Management Order.

(3) A case management conference shall not be continued except:

- (a) Upon written motion to the Court and for good cause shown; or,
- (b) Upon agreement of all parties, provided that the agreement is approved by the Court Program Manager.

(4) The parties may not, individually or by agreement, alter or extend the deadlines of a Case Management Order, or waive any of the provisions of the Order; however, the Court, by motion of any party and upon good cause shown, may grant appropriate relief and/or order the scheduling of a case management conference before the Court Program Manager.

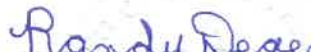
(5) Upon motion of a party, or *sua sponte*, the Court may issue any just orders and/or sanctions, including the imposition of fines and reasonable attorney's fees, for violations of this Local Rule or a Case Management Order.

By the Court,



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President Judge Thomas M. Bianco

EXTRACT FROM  
THE RECORDS  
ATTEST

  
\_\_\_\_\_  
Prothonotary and Clerk of Courts

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