

The amendment and the adoption of the listed rules shall become effective thirty (30) after publication in the Pennsylvania Bulletin.

RULE 212
PRE-TRIAL PROCEDURE

- 1) Except in those cases involving compulsory arbitration, there shall be 240 days from the filing of the complaint in which the parties shall complete discovery. Discovery will not be permitted after the 240 day period except by order of Court upon good cause shown.
- 2) In those cases where it is apparent that extensive discovery will be required, counsel may present a motion requesting a status conference, or file and present an appropriate motion, with the trial Judge to whom the case has been assigned to establish an alternate discovery time table.
- 3) After the time for discovery has expired, or if discovery is completed prior to the expiration of the 240 day period, and Local Rule 212.1 (Pre-trial Statements) has been complied with, any party may file a Certificate of Readiness in accordance with Local Rule 212.2. Written notice shall be given to all parties at least 10 days prior to the filing of the Certificate.
- 4) Unless otherwise agreed upon by the parties, or ordered by the Court, all depositions shall be held in Fayette County.
- 5) After the close of discovery, if neither party files a Certificate of Readiness, the Prothonotary, after an additional 75 days, shall so notify the trial Judge to place the case on the trial list.
- 6) At any time after the close of discovery, the Court may, in its discretion, direct the parties to attend a status conference, or the Court may compel the filing of pre-trial statements, schedule the pre-trial conference, or otherwise intervene to expedite the litigation.
- 7) If there is an appeal of the award of arbitrators, this rule shall apply, except that there shall be 60 days from the filing of the appeal in which the parties shall complete discovery.

RULE 212.1
PRE-TRIAL STATEMENTS

- 1) Time tables:
 - a) All plaintiffs, within twenty (20) days after the 240 day period, or the extension thereof, shall file their pre-trial statements with the Prothonotary.
 - b) All original defendants, within twenty (20) days of the filing of the plaintiff's pre-trial statements, shall file their pre-trial statements with the Prothonotary.
 - c) All other parties, within twenty (20) days of the filing of original defendant's pre-trial statements, shall file their pre-trial statements with the Prothonotary.

- 2) The pre-trial statement shall contain:
 - a) A brief narrative statement of the essential facts upon which liability is asserted or denied.
 - b) The legal issues involved and legal authorities relied upon.
 - c) A list of the names and addresses of all witnesses the party expects to call, which witnesses shall be classified as liability or damage witnesses.
 - d) A specific description of damages,
 - i) Any party seeking to recover damages for personal injuries shall attach to their pre-trial statement, if not previously provided to all parties, a written authorization to inspect and make copies of the records and reports of any physician, hospital or clinic by whom or where said party may have been examined, treated, or hospitalized for the injuries or disabilities complained of, and covering prior injuries or disabilities where the same may be relevant.
 - ii) A list of the damages that the party intends to claim and prove at trial.
 - e) The settlement status of the case.
 - f) A realistic estimate of the trial time required for presentation of their case, as well as total trial time required.
 - g) There shall be attached to the pre-trial statement:
 - i) A copy of all reports containing findings or conclusions of any physician who has treated or examined the party or has been consulted in connection with any injuries

complained of and whom the party expects to call as a witness at the trial of the case. If timely production of any report is not made, the testimony of such physician shall be excluded at the trial except upon consent of all parties or upon express order of the Court.

- ii) A copy of all reports containing findings or conclusions of any expert who has been consulted in connection with the matters involved in the case and whom the party expects to call as a witness at the trial of the case. If timely production of any report is not made, the testimony of such expert shall be excluded at the trial except upon consent of all parties or upon express order of Court.
- 3) Upon failure of any party to file a pre-trial statement within the time required, upon motion the Court may impose the sanctions provided in Pa.R.C.P. Sec. 4019(c). Also, the Court may order other appropriate relief including, but not limited to, the barring of testimony, assessment and awarding of attorney fees, and expenses and costs to opposing counsel.
- 4) Counsel shall file supplemental pre-trial statements up to the time of trial as long as such filing does not delay trial. Supplemental statements may include additional claims for damages, additional damage and/or liability witnesses, expert witnesses, and/or exhibits intended to be used at trial.

RULE 212.2

CERTIFICATE OF READINESS FOR PRE-TRIAL CONFERENCE

- 1) The Certificate of Readiness for Pre-trial Conference shall be substantially in the form which follows this rule.
- 2) If a party objects to the Certificate of Readiness as filed by any party, the objecting party is required to raise these objections before the trial Judge within 10 days of service; otherwise, all parties will be deemed to be in agreement with the statement contained in the Certificate of Readiness.
- 3) Objections to the Certificate as filed by opposing counsel shall be presented as a priority motion to the Judge to whom the case is assigned.
- 4) Once the Certificate of Readiness has been filed, and the time for objections has expired without an objection having been filed, the Prothonotary shall notify the Judge to whom the case has been assigned that the case is ready to proceed.

- 5) There shall be no pre-trial conference in arbitration cases unless the award of arbitrators is appealed.

IN THE COURT OF COMMON PLEAS
OF FAYETTE COUNTY, PENNSYLVANIA

_____	Civil Action
Plaintiff	
	No. _____
Vs.	
_____	Judge _____
Defendant	
	Jury Trial _____
	Non-Jury Trial _____
	Arbitration _____

CERTIFICATE OF READINESS

I hereby certify, pursuant to Fayette County Rule of Civil Procedure 212, that the above-captioned case is ready for trial. All pleadings are closed; all witnesses are presently available to appear at trial; all pre-trial statements have been filed; and discovery is complete, except for those depositions to be taken solely for the purpose of being presented at trial. Any such deposition shall be completed prior to trial and a transcript of the deposition shall be submitted to the Court at least five (5) days prior to trial or all objections will be deemed waived.

I further certify that immediately after filing, I will serve a time-stamped copy of this certificate upon all counsel, and/or any unrepresented party.

Print Name

Signature of Counsel

Address

Representing

Date

Telephone No.

RULE 212.3
PRE-TRIAL CONFERENCE

- 1) When a case is scheduled for pre-trial conference, it shall not be continued except for just cause and upon order of the pre-trial judge.
- 2) The pre-trial conference shall be attended by the attorney who will try the case, or by an attorney who is fully prepared and authorized as to all matters which may reasonably be expected to arise during the conference.
- 3) Parties must also be present, except when the real party in interest is an insurance company, a common carrier, corporation or other artificial legal entity, in which instance a representative thereof, other than the attorney, must be present with full authority and power to discuss and settle the case.
- 4) The Court shall encourage the amicable settlement of the controversy and the parties and their attorneys shall be prepared to discuss settlement.
- 5) The judge presiding at the pre-trial conference shall refer to arbitration all cases where the amount in controversy is found not to exceed the jurisdictional limits of arbitration except where title to lands or tenements may come in question.
- 6) If there is not an amicable settlement of the controversy at the pre-trial conference, then the pre-trial judge shall issue a pre-trial adjudication which shall, in the discretion of the judge, control the subsequent course of the action.

RULE 212.4
DISCONTINUANCE PAYMENT OF RECORD COSTS ON SETTLEMENT

Unless all parties agree in writing to the contrary, the settling defendant or defendants in any filed civil action shall pay to the plaintiff record court costs which are specifically defined to be:

- a) Initial filing fees;
- b) Service of process fees; and
- c) Costs to settle and discontinue the docket.

RULE 212.5
CIVIL COVER SHEET

No summons, complaint, pleading or other document used to commence a new civil action will be accepted for filing by the Prothonotary unless it is accompanied by a duly completed cover sheet in the format set forth in the form which may be obtained in the Office of the Prothonotary of Fayette County and which can be printed from the webpage of the Administrative Office of Fayette County Courts found at <http://www.co.fayette.pa.us>.