

PENNSYLVANIA MOTION PRACTICE

5th Edition

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Dechert LLP

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About This Book

Anyone who has advised an out-of-state lawyer on the intricacies of the *Nanty-Glo* rule, or who has responded to preliminary objections filed in response to his or her client's preliminary objections, recognizes that motion practice in the Pennsylvania state courts requires careful planning and attention to both the state and local (i.e., county) rules.

This book focuses on the rules and procedures governing motion practice in the Pennsylvania state courts. It also seeks to provide some practical advice. It is intended as a resource to practitioners at all levels.

The book addresses the requirements for preliminary motions, such as motions for transfer and coordination, preliminary objections, motions for judgment on the pleadings, motions for class certification, and discovery motions of all types. It also covers summary judgment motions, pre- and post-trial motions, and motions that may be filed in the appellate courts. The book discusses the Pennsylvania Rules of Civil Procedure applicable to each type of motion, select reported court decisions that illuminate significant requirements or that provide guidance for the preparation of each type of motion, and, in some instances, select local county rules applicable to the motions.

We have made no effort to survey each of Pennsylvania's 67 counties to identify differences in the ways the various Common Pleas Courts handle motions, but have pointed to select local county rules to illustrate the need to consult those rules in addition to the State Rules of Civil Procedure when preparing any motion.

We also have provided a variety of forms as samples. These forms are not intended to be comprehensive; rather, they are a starting point for the practitioner's consideration. The specific requirements or posture of a case may necessitate a departure from the form or template we have provided. Our intention here was merely to provide a starting point for the practitioner. These forms are compiled in the back of the book for easy use, but are also cross-referenced in the relevant chapters.

In this Fifth Edition, we have included some practice pointers and made a variety of other revisions. The central message of the book—that practitioners must not only carefully consult the applicable state or local rules, but also consider the overall litigation or objective before filing a motion before overburdened state courts—remains unchanged.

We are grateful to our firm, Dechert LLP, Fastcase, our colleagues, particularly Bina Peltz, who assisted us in the preparation of this edition, Roseanne Borner, and our families for their unwavering support during the process—often interrupted by work demands—of preparing this revised edition.

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About the Authors

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Steven has thirty-five years of experience representing clients in complex business disputes in federal and state courts and before arbitration panels throughout the country. He concentrates his practice on litigation related to antitrust and trade regulation, securities, contracts and business torts, and government investigations.

Ranging from multinational manufacturing companies to Internet start-ups and partnerships, Steven's clients span a variety of industries, including chemicals and pharmaceuticals, building materials, banking, financial services and securities, communications and telecommunications, agricultural products, new media and technology, health insurance, and health care and wholesale distribution. In 2018, the National Law Journal named Steven to its 2018 Winning Litigators list, a select group of lawyers who had triumphed in high stakes trials over the prior 18 months. He was one of a select group of attorneys in North America and Europe to be named by clients to the 2015 and 2009 Client Service All-Star Teams, lists compiled by BTI Consulting Group based on input from in-house counsel at large corporations.

Steven has experience in the trial and litigation defense of multidistrict class actions, including those filed under federal and state antitrust laws, the federal securities laws, state consumer fraud statutes and involving alleged mass torts. He has also represented clients through trial in a wide range of contract and tort disputes arising from their commercial activities, including "bet the company" lawsuits. He appears regularly in trial and appellate courts throughout the Commonwealth of Pennsylvania, from major cities to rural counties. Steven represents clients in government antitrust and securities fraud investigations and enforcement proceedings and before administrative agencies and self-regulatory organizations. He has significant appellate experience and has obtained landmark federal and state appellate victories in the areas of class certification, antitrust, securities fraud pleading standards, full faith and credit/res judicata. Steven also has broad experience in counseling clients and managing electronic discovery and records retention issues.

Steven is a Fellow in the International Academy of Trial Lawyers, one of the country's most prestigious, peer-nominated trial lawyer associations, as well as a Fellow of the American Bar Foundation and the Litigation Counsel of America. He is listed in *The Best Lawyers in America*[®] and *Best Lawyers in Philadelphia* for both antitrust law and business litigation and has repeatedly been selected by his peers for inclusion in the Pennsylvania Super Lawyers list and the Corporate Counsel Super Lawyers list. He has consistently been ranked Band 1 by *Chambers USA* in the fields of antitrust law and commercial litigation. He earned his law degree from Columbia Law School and undergraduate and graduate degrees from Brandeis University.

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