

STATE CIVIL LITIGATION SECTION MEETING OF EXECUTIVE COMMITTEE  
MINUTES – MEETING OF MAY 2, 2005

The meeting was called to order at approximately 4:00 p.m. by co-chairs Rudy Garcia and Ron Kovler. The list of attendees is at the end of these minutes. There was a brief update on the work of the Court on the recommendations of the National Center for State Courts. There was further discussion of the arbitration standard discovery used in the Court of Common Pleas in Philadelphia County and the Administrative Order contained below.

The co-chairs indicated that the full Section meeting would be held May 4 instead of April 6, 2005. There was discussion of the May 4, 2005 meeting of the Section and the co-chairs stressed that we should all make an effort to publicize the event so as to get a good turn out. It was noted that there had been publicity in the e-news of the Philadelphia Bar Association, the Bar Reporter, and the Legal Intelligencer. It was noted that the Rules and Procedure Committee normally meets on that date so that committee would not have a separate meeting in May.

Kathleen Wilkinson was asked to check into the dues available and to begin working with bar staff to plan our end of the year holiday party. Richard Seidel, Treasurer, was not able to attend but it was felt by the co-chairs that dues were coming in and membership was strong.

Kathleen also raised the issue of giving thought to end of the year officers and chairs of the committees. It was agreed this would be discussed at the next quarterly executive committee meeting in July. The meeting was adjourned at 5:15pm.

Respectfully submitted,

Kathleen D. Wilkinson

Secretary

ATTENDEES – MEETING OF MAY 2, 2005

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Honorable William Manfredi  
Court of Common Pleas

**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY**

**TRIAL DIVISION ADMINISTRATIVE DOCKET  
No. 2005-02**

*In re: Standard Interrogatories In Compulsory Arbitration Cases  
Motor Vehicle Liability and Premises Liability Cases*

**ORDER**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2005, upon consideration of the stated purposes of the *Compulsory Arbitration Program*, which is designed to enable the Court and the litigants to equitably, fairly, and expeditiously dispose of certain types of cases, see 42 Pa. C.S. § 7361, Pa. R. Civ. P. 1301 *et seq.*, and Phila. Civ. R. \*1301 *et seq.*, and upon review and consideration of Pa. R. Civ. P. 4005, which authorizes the Court to adopt, and limit, the number of standard interrogatories as justice may require, it is hereby ORDERED, ADJUDGED, and DECREED that as to *Motor Vehicle Liability* and *Premises Liability* cases assigned to the *Compulsory Arbitration Program*:

**1) The following “Standard” Interrogatories are adopted by the Court:**

- a) Plaintiff’s Interrogatories Addressed to Defendant – Motor Vehicle Liability, Exhibit “A”
- b) Defendant’s Interrogatories Addressed to Plaintiff – Motor Vehicle Liability, Exhibit “B”
- c) Plaintiff’s Interrogatories Addressed to Defendant – Premises Liability, Exhibit “C”
- d) Defendant’s Interrogatories Addressed to Plaintiff – Premises Liability, Exhibit “D.”

**2) The following Requests for Production of Documents are adopted by the Court:**

- a) Plaintiff’s Request for Production of Documents, Exhibit “E;” and
- b) Defendant’s Request for Production of Documents, Exhibit “F.”

**3) Objections.** The Court will not entertain objections to the standard interrogatories or document requests. Parties who serve objections may be subject to appropriate sanctions, including imposition of counsel fees.

**4) Service of Standard Interrogatories and Requests for Production of Documents.**

At any time after the filing of an Answer to the Complaint, a party may request any other party to answer standard interrogatories and/or respond to standard document requests by serving on all other parties a **Notice to Answer or Respond to Standard Written Discovery**, substantially in the form attached hereto as Exhibit “G”. Answers and responses shall be provided to all parties within thirty days of the service of the Notice, but shall not be filed with the Court or Prothonotary unless relevant to a motion or other pretrial proceeding, ordered by the court or required by statute. Once the Notice is served on any party, all other parties, including the parties serving the Notice, shall answer the standard interrogatories applicable to them within thirty days of the service of the original Notice. Only the standard interrogatories and document requests approved herein shall be served and answered by the parties, except as provided in paragraph (6) hereunder.

**5)** A copy of the standard interrogatories or document requests need not be attached to the Notice served on attorneys, but must be provided to unrepresented parties. Copies of the above documents may be obtained on the court’s website, at <http://courts.phila.gov>.

**6) Additional Written Discovery**

**(a) General Rule.** No additional interrogatories or document requests will be permitted as to Motor Vehicle and Premises Liability cases filed in the Compulsory Arbitration Program unless the answering or responding party agrees, or as further provided hereunder.

**(b) Limited Supplementation.** Any party may serve up to five (5) additional interrogatories or document requests that are specifically tailored to the case and are not duplicative of the standard interrogatories or document requests. Each subpart shall be considered a separate interrogatory or request for purposes of this limitation.

**(c) Arbitration Appeals.** Any party may serve up to ten (10) additional interrogatories within thirty days of the filing of an appeal from an Arbitration Award. Each subpart shall be considered a separate interrogatory for purposes of this limitation.

**(d) Leave of Court.** Upon receipt of answers to standard interrogatories or responses to standard document requests, any party may file an appropriate discovery motion under Phila. Civ. R. \*208.3, seeking leave of court to serve additional interrogatories or document requests. The moving party must allege and show good cause why the additional standard interrogatories or document requests are reasonably necessary to prepare its case for trial.

**7) Dead Man's Rule.** In the event that any party wishes to invoke the Dead Man's Rule, that party shall notify the opposing party, in writing, of its intention to invoke said Rule, within twenty (20) days of the time the Notice to Answer or Respond to Standard Written Discovery was served. In such a case, the party who is invoking the Dead Man's Rule shall have no obligation to answer the standard interrogatories or produce the documents requested, until otherwise ordered by the Court.

**8) Effective Date.** This Administrative Order will become effective on May 2, 2005.

This Administrative Order is promulgated in accordance with the April 11, 1986, Order of the Supreme Court of Pennsylvania, Eastern District, No. 55 Judicial Administration, Docket No. 1, Pa. R. Civ. P. 4005 and Pa. R. Civ. P. 239. As required by Pa. R. Civ. P. 239, the original Administrative Order shall be filed with the Prothonotary in a docket maintained for Administrative Orders issued by the Administrative Judge of the Trial Division, and copies shall be submitted to the Administrative Office of Pennsylvania Courts, the Legislative Reference Bureau and the Supreme Court Civil Procedural Rules Committee. Copies of the Regulation shall also be submitted to *American Lawyer Media*, *The Legal Intelligencer*, Jenkins Memorial Law Library and the Law Library for the First Judicial District of Pennsylvania, and posted on the website of the First Judicial District at: <http://courts.phila.gov>.

**BY THE COURT:**

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*HON. JAMES J. FITZGERALD, III*  
*Administrative Judge, Trial Division*