

RULE 1028(c) - PRELIMINARY OBJECTIONS

- 1 A proposed order shall be attached to all preliminary objections.
- 2 The moving party shall simultaneously file a brief in support of the preliminary objections. See CARB.R.C.P.210 for form, content of brief, service and filing requirements.
- 3 The adverse party shall file an answer when endorsed with a Notice to Plead.
- 4 If an amended pleading is not filed within twenty (20) days of service of the preliminary objections, the matter shall be decided on briefs unless the assigned Judge requests that argument be scheduled. If a party desires argument, a Praecipe for Argument shall accompany the motion or be filed by the respondent within twenty (20) days of service of the preliminary objections. A respondent briefing schedule will be issued by the Court contemporaneous with the scheduling of argument, if so ordered by the Judge. If the matter is to be decided on briefs, a respondent briefing schedule will be issued.
- 5 If the Preliminary Objections raise issues of fact not of record, evidence by way of depositions or otherwise shall be filed of record to enable the objections to be properly decided.