

## **RULE 1035.2(a) – MOTION FOR SUMMARY JUDGMENT**

- 1 A party moving for summary judgment shall simultaneously file with the motion a proposed order and supporting brief. If a brief is not filed with the motion, the motion shall be deemed withdrawn, without prejudice, upon motion of the opposing party. A certificate of service in conformance with Pa.R.C.P.208.2 (a) (5) shall be attached to the motion. Pa.R.C.P.440 governs service. Service shall be required on the District Court Administrator. For form of briefs, see CARB.R.C.P.210.
- 2 Any party opposing the motion shall file a response within thirty (30) days of service of the motion, together with a certificate of service evidencing service in accordance with number one above. Service shall be required on the District Court Administrator. A party who fails to respond to the motion shall be deemed to be unopposed to the granting of the motion without contest.
- 3 Upon service of the motion and response on the District Court Administrator, the matter shall be decided on briefs unless the assigned Judge orders that argument be scheduled. If a party desires argument, a Praecipe for Argument shall accompany the motion or response. However, the Court may dispose of any motion without oral argument.
- 4 A respondent briefing schedule will be issued by the Court contemporaneous with the scheduling of any argument ordered by the Judge or requested by the filing of the Praecipe for Argument. If the matter is to be decided on briefs, a respondent briefing schedule will be issued.
- 5 A party who fails to file a brief shall not be permitted to argue.