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Rule 206.4(c). *Issuance of a Rule to Show Cause.*

[Rescinded.]

Rule 206.4(c). *Issuance of a Rule to Show Cause.*

- (1) Issuance. A Rule to Show Cause for petitions governed by Rule 206.1, et seq., shall issue as a matter of course pursuant to Rule 206.6. Petitions governed by this Rule shall be filed along with:

- (a) a cover sheet in the form set forth in Local Rule 205.2(b),
- (b) a brief or memorandum of law, as set forth in Local Rule 210,
- (c) a proposed order in the following form:

See Form <i>Proposed Order</i>

- (d) a proposed order granting the relief requested by the petition.

The petition and proposed orders shall be filed in the Prothonotary's Office, and forwarded to the Court Administrator, who shall have the authority to sign the Rule to Show Cause Order.

If a petitioner requests a stay of proceedings pending disposition of a petition, the Court Administrator shall promptly refer the stay request to the Civil Equity/Emergency Judge for review and determination.

- (2) Response. Within the time stated in the Rule to Show Cause, the respondent shall file an answer to the petition. The answer shall be filed along with:

- (a) a cover sheet in the form set forth in Local Rule 205.2(b),
- (b) a brief or memorandum of law, as set forth in Local Rule 210, and
- (c) a proposed order.

- (3) Discovery. Any depositions or other discovery on factual issues raised by the petition and answer shall be concluded within forty-five (45) days from the date of the Rule to Show Cause Order. Any supplemental briefs addressing facts elicited through such discovery shall be filed within sixty (60) days from the date of the Rule to Show Cause Order.

- (4) Argument Praeipue. If the petitioner and respondent agree that no discovery on the petition is required or that all such discovery and supplemental briefing have been completed, then either party may file an Argument Praeipue in the following form:

[See Form Argument Praeipce](#)

- (5) **Disposition. If the respondent fails to file a timely answer, then the matter shall be immediately referred to a Judge, who will consider the petition on its merits and enter an appropriate order in accordance with Rule 206.7(a). If a timely answer is filed, then the matter shall be referred to a Judge for disposition (a) upon the filing of an Argument Praeipce or (b) after sixty (60) days from the date of the Rule to Show Cause Order, if no Argument Praeipce has been filed. Oral argument shall be held only if ordered by the Judge.**

Comments:

1. **The forms referenced in this rule are available online at www.montgomerycountypa.gov/945/forms.**
2. **The term “Argument Praeipce” has been retained as one familiar to the Bar, even though the holding of oral argument is discretionary.**