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Rule *920. *Board of Assessment Appeals.*

[Rescinded.]

Rule *920. *Board of Assessment Appeals.*

- (a) The Pennsylvania Rules of Civil Procedure shall be applicable to all appeals to the Court of Common Pleas from a real estate assessment or other appealable decision by the Board of Assessment Appeals (“the Board”). Nothing in this rule shall be construed to limit discovery as permitted under the Pennsylvania Rules of Civil Procedure.
- (b) The petition for appeal shall have the parcel number(s) of the subject property in the caption and shall have attached to it a photocopy of the appealed from order of the said Board and shall have attached to it a proposed preliminary decree which shall provide:
 - (1) that the appeal to Court is permitted and said case is to proceed in conformity with the Pennsylvania Rules of Civil Procedure;
 - (2) that within five (5) days from the date of the preliminary decree, appellant shall serve a copy of the petition and preliminary decree upon the said Board, upon the Board of County Commissioners of Montgomery County, the governing body of the municipality and the Board of School Directors of the school district in which the real estate is situated and their Solicitors, and upon the property owner, if the property owner is not the appellant;
 - (3) that the taxing authorities of the aforesaid and the property owner, if the property owner is not the appellant, be and are hereby entitled to intervene as parties appellee.
- (c) Appellant, within sixty (60) days of filing the appeal, shall provide to appellee and intervening parties a copy of appellant’s appraisal report (which need not be the trial report) with copies of income and expense statements and rent rolls (if applicable) for the last three (3) years. In cases where a taxing authority is the appellant, the appraisal report must be provided to appellee and intervening parties within sixty (60) days of appellant’s receipt of discovery requested of the taxpayer, including but not limited to inspection of the subject property provided that the taxing authorities forwarded their discovery requests to the taxpayer within thirty (30) days of filing their appeal. Where exemption is the sole issue, this paragraph is not applicable.

- (d) Approximately sixty (60) days after the filing of the appeal, the Court Administrator shall issue a Case Management Order setting a deadline of approximately twelve (12) months from commencement for the close of discovery, including exchanges of appraisal reports by testifying experts, and a deadline of approximately thirteen (13) months from commencement for the filing of dispositive motions. The Order shall provide that the action shall be added to the Court's Civil Trial Inventory promptly after the deadline for filing dispositive motions if no timely dispositive motion is filed or promptly after the determination of all timely filed dispositive motions. Parties may obtain an earlier listing for trial by filing a praecipe under Local Rule 212.1*(d).
- (e) Prior to the issuance of a Case Management Order, the parties may file a Stipulation, subject to approval of the Court, for entry of a Case Management Order that sets deadlines earlier than the standard Order that would issue under paragraph (d) above. After the issuance of a Case Management Order, the parties may file a Stipulation, subject to approval of the Court, that advances any or all of the deadlines in the Case Management Order to earlier dates. A Stipulation that purports to extend any deadlines in a Case Management Order shall not be filed and, if filed, shall be of no force or effect.
- (f) Special Management Cases.
- (1) If an appeal is unusually complex or presents circumstances that would make it impractical to comply with the standard deadlines, any party may file a Motion to Designate Case for Special Management. Such Motions are not favored and will be granted only upon a compelling showing of need. Circumstances that may support such a Motion include, but are not limited to, an unusually large number of parties; the need for an unusually broad or complex scope of discovery that cannot be completed by the standard deadline; complex legal issues that require specially phased discovery; and the need to stay a case pending the outcome of a related case. The Motion should be filed as soon as it becomes apparent that special management is required and need not await the issuance of a standard Case Management Order. Undue delay in filing a Motion may be grounds in itself for denial of the Motion.
 - (2) Any other party may file a response within fifteen (15) days of the filing of the Motion.
 - (3) If the Motion is granted, the case shall be referred to a Civil Case Management Hearing Officer, who shall promptly convene a conference with counsel and thereafter submit to the Court a recommendation on a Case Management Order tailored to the particular needs of the case. Upon reviewing the recommendation, the Court will then issue a Case Management Order, which will supersede any standard Case Management Order previously issued by the Court Administrator.

- (g) Any extension of a deadline set forth in a Case Management Order under this Rule (or an Order under Local Rule 212.1*(d)(4)) may be obtained only through a Motion for Extraordinary Relief. The Motion shall set forth the reasons for the requested relief and the reasons that the current deadlines cannot be met despite diligent effort. Any party opposing the Motion shall have fifteen (15) days in which to respond, after which time the Court will enter an appropriate order.
- (h) For purposes of transition to the current version of this Rule, the Court Administrator shall issue Case Management Orders as appropriate for cases pending when the current version of this Rule becomes effective. Nothing in this Rule shall affect any Case Management Order in effect as of the effective date of the current version of this Rule.