

Rule 1034(a). Motion for Judgment on the Pleadings.

- (1) *Filing.* After the relevant pleadings are closed, but within such time as not to unreasonably delay trial, any party may file a motion for judgment on the pleadings:
 - (a) in accordance with Pa.R.C.P. 1034,
 - (b) along with:
 - (1) a cover sheet in the form set forth in Rule 205.2(b),
 - (2) a brief or memorandum of law, as set forth in Rule 210,
 - (3) a proposed order, and
 - (4) a certificate of service
- (2) *Response.* An answer to a motion for judgment on the pleadings is required from the non-moving parties:
 - (a) in accordance with Pa.R.C.P. 1034,
 - (b) within thirty (30) days of the service of the motion,
 - (c) along with:
 - (1) a cover sheet in the form set forth in Rule 205.2(b),
 - (2) a brief or memorandum of law, as set forth in Rule 210,
 - (3) a proposed order, and
 - (4) a certificate of service
- (3) *Disposition.* Forty-five (45) days from the filing of the motion for judgment on the pleadings, the matter shall be referred to a Judge for disposition. If oral argument was requested by either party on their respective cover sheets, the matter may be scheduled for argument. If oral argument was not requested by either party, the Judge may direct the scheduling of oral argument, or may decide the matter upon the filings.
- (4) *Timely Filed Briefs.* If the brief of either party is not timely filed, either in accordance with this Rule or by order of the Court, the assigned Judge may:
 - (a) Dismiss the motion where the moving party has failed to comply,

- (b) Grant the requested relief where the respondent has failed to comply, except that no civil action or proceeding shall be dismissed for failure to comply. Nothing precludes the assigned Judge from dismissing the matter on its merits,
- (c) List the matter for argument, at which time only the complying party shall be heard.

Comments:

- 1 The form referenced in this rule is available online at www.montcopa.org/courts;
- 2 Motions for Judgment on the Pleadings may not necessarily be heard by the pre-trial Judge assigned to the case. The Court anticipates implementing an expedited scheduling program for Motions for Judgment on the Pleadings involving Senior Judges.