

**Rule 1035.2(a). Motion for Summary Judgment.**

- (1) *Filing.* After the relevant pleadings are closed, and prior to the filing of a trial Praecipe, but within such time as not to unreasonably delay trial, any party may file a motion for summary judgment:
  - (a) in accordance with Pa.R.C.P. 1035.2,
  - (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 summary judgment is required from the adverse parties:
  - (a) in accordance with Pa.R.C.P. 1035.3,
  - (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 summary judgment, the matter shall be referred to a Judge for disposition, unless the underlying case has already been praeciped for trial or ordered on the trial list, in which case the motion will be assigned to the trial judge for disposition. If discovery was requested by either party on their respective cover sheets, said discovery shall be concluded within forty-five (45) days from the filing of the motion. 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.

**Comment:** the form referenced in this rule is available online at [www.montcopa.org/courts](http://www.montcopa.org/courts)