

# Practices of Judge Alan Hertzberg, Civil Division

816 City-County Building  
414 Grant Street  
Pittsburgh, PA 15219  
412-350-6333  
412-350-0336 (Fax)

January 3, 2024

## Purpose

We hope dissemination of Judge Hertzberg's practices will help attorneys, litigants and others prepare for proceedings with Judge Hertzberg. Judge Hertzberg tends to use the practices described below most of the time, but he may not do so in unusual circumstances. Of course, the Rules of Court of Allegheny County, the Pennsylvania Rules of Civil Procedure, the Pennsylvania Rules of Evidence and other appropriate rules and laws will apply.

## Communications and Document Delivery

1. You may call chambers at 412-350-6333 to speak with a staff person, or, if none is available, to leave a voicemail message.
2. Documents may be hand delivered or sent by U.S. Mail to 816 City-County Building, 414 Grant Street, Pittsburgh, PA 15219.
3. Please send electronic communications to [shawna.strom@alleghenycourts.us](mailto:shawna.strom@alleghenycourts.us)
4. Do not send email directly to Judge Hertzberg unless authorized to do so by Judge Hertzberg or staff.
5. When communicating with the Court via email, **ALL** parties must be included on the email unless directed otherwise. The email addresses of the other parties/opposing counsel must be included in either the "To" or the "CC" boxes

so that they are visible to the Court. Please do NOT “BCC” the other parties/opposing counsel on your communications.

6. Please send all documents in PDF or Microsoft Word Format. **Proposed orders should be attached separately in PDF format.**
7. The parties (and not Judge Hertzberg or his staff) are responsible for filing their pleadings, motions, briefs, pre-trial statements, etc. with the Department of Court Records, whether it be in-person or electronically.
8. The filing of a document with the Department of Court Records, however, will not result in Judge Hertzberg being aware of the filing. To make Judge Hertzberg aware, the document must be hand delivered, sent by U.S. Mail or emailed as described in paragraphs 2 and 3 above.

#### Conciliations

Please contact one of Judge Hertzberg’s staff if the date or time scheduled for the conciliation must be changed. For each party in the case, counsel and an individual with authority to settle must be present for the conciliation. Please be punctual. When necessary, the conciliation may take longer to complete than the time allotted on the schedule. Attorneys located in Allegheny County are notified of Pre-Trial Conciliation Conference dates and times exclusively by publication in the Pittsburgh Legal Journal. Dates and times of Pre-Trial Conciliation Conferences also are entered on the electronic docket.

### Trials

1. Judge Hertzberg usually meets with counsel in chambers before the jury is sworn in for a jury trial. He will attempt to decide any bona fide Motions in Limine at that time. Motions in Limine should be served on the opposition sufficiently in advance of trial to allow time for counsel and the parties to attempt to resolve the issue on their own.
2. Trial usually will run from 9:00 a.m. to Noon and 1:00 p.m. to 4:00 p.m. There will be a lunch recess from Noon to 1:00 p.m. and a ten minute recess in the middle of the morning and afternoon sessions. This schedule is not set in stone but will apply generally and unless otherwise indicated.
3. Judge Hertzberg's opening instruction to the Jury will include portions of Pennsylvania Suggested Standard Civil Jury Instruction ("PaSSJI") No. 1.01, and the concluding portion of the charge to the Jury will be Pa.SSJI No. 12.00. In Non-jury trials, counsel should ask Judge Hertzberg whether to give an opening or summation. At times Judge Hertzberg is sufficiently familiar to not need an opening and/or summation.
4. If depositions will be read or videotaped depositions played during a jury trial, counsel shall attempt to resolve any objections between themselves. Counsel shall notify Judge Hertzberg if any objections cannot be resolved, and he will decide whether to overrule or sustain.
5. When making objections to questions or testimony during trials, the basis for the objection shall be described briefly. Argument concerning

objections shall be conducted outside of the hearing of the jury and/or witnesses, usually at sidebar.

6. Plaintiff exhibits should be marked by number, and Defendant exhibits should be marked by letter.
7. Proposed points for charge and verdict forms should be submitted at the earliest feasible point in the trial and may be supplemented or amended up until the charging conference. In preparing proposed points for charge and verdict forms, please know that Judge Hertzberg wishes to utilize the PaSSJIs whenever possible and not be repetitious. Counsel will have to convince Judge Hertzberg that language from caselaw is not included in the PaSSJIs.

#### Self-represented/pro se litigants

The most common error made by self-represented litigants involves cross examination of witnesses. This is not the time to testify, and self-represented litigants must be careful to only ask questions during cross examination. Self-represented litigants have the opportunity to testify or give their side of the story at another point in the trial other than when they are cross examining witnesses.

Please consider the benefits of obtaining an attorney. Do not wait until the last minute to get an attorney as most attorneys will have scheduling conflicts unless they have advance notice of a trial. Here are sources that may be helpful to you in finding an attorney:

Neighborhood Legal Services: 412-255-6700  
Allegheny County Bar Association Pro Bono Center: 412-402-6677  
Allegheny County Bar Association Lawyer Referral Service: 412-261-6161

The internet website, palawhelp.org, has a directory for finding an attorney and provides basic information on some areas of the law.

#### Post-Trial Motions

A copy of a post-trial motion must be served on Judge Hertzberg. The post-trial motion must contain a copy of the request for the transcript of the trial testimony, and whoever is the moving party must promptly see that the Court Reporter is timely paid for preparing the transcript.

#### Abandoned and Blighted Property Conservatorships

1. Judge Hertzberg will not schedule the hearing on whether a property is abandoned and blighted until after proper service of the petition on the owner (as well as others) and posting of the notice of filing on the property. This often results in the hearing being scheduled more than 60 days after the filing of the petition. Petitioners must demonstrate proper service of the petition and posting of the notice by filing one or more affidavits of service (see definition of affidavit in Pennsylvania Rule of Civil Procedure 76) with the Department of Court Records.
2. A “rule to show cause” order will not ordinarily be issued by Judge Hertzberg in scheduling the hearing on whether a property is abandoned and blighted.
3. Pre-trial statements are not required for hearings unless ordered by Judge Hertzberg. Orders requiring pre-trial statements may be requested of Judge Hertzberg’s staff or may be entered if the Judge finds them necessary.
4. After a conservator is appointed and fully rehabilitates the property, Judge Hertzberg requires the filing of a “Disclosure Statement” 30 days before the hearing on the Conservator’s application to transfer or sell the property. The

“Disclosure Statement” shall contain a recent appraisal of the property and a statement disclosing whether the Conservator will be asking Judge Hertzberg to extinguish any delinquent or lien property taxes.



819 City-County Building  
414 Grant Street  
Pittsburgh, PA 15219  
Telephone: 412-350-6563

# Standard Operating Procedures *for* Judge Daniel D. Regan (Civil Division)

Effective as of April 14, 2025

Please note that the below operating procedures are in addition to and supplement the applicable Rules of Civil Procedure and Local Rules.

## DISCOVERY MOTIONS

- Discovery Motions (contested) are being held **IN-PERSON**, every Wednesday morning, 9:30am to 12:30pm in Courtroom 819, 414 Grant Street, Pittsburgh, PA 15219.

**IMPORTANT:** Effective 3/18/25, specific time slots will no longer be provided for arguments on contested Discovery Motions.

**All parties with contested motions must appear 9:30 AM for arguments on the Wednesday for which they signed up.** Arguments will be heard in the order in which they appear on the sign-up sheet.

The moving party must still sign up in-person on a sign-up sheet for a particular Wednesday. The moving party will list their name, case name, #, type of motion.

- All Motions must have a **NOTICE OF PRESENTATION** and **CERTIFICATE OF SERVICE** attached.
- Please follow the procedures below when scheduling your contested motion or submitting your uncontested motion.
- **CONTESTED MOTIONS**

- a. All contested Discovery Motions will be held **IN-PERSON** every Wednesday, 9:30am to 12:30pm, in Courtroom 819, City-County Building, 414 Grant Street, Pittsburgh, Pennsylvania 15219. Remote argument will NOT be permitted except for exigent circumstances at the discretion of the Court.
- b. Any party wishing to schedule a Discovery Motion shall appear in Courtroom 819 and select a date for argument. The **signup sheet** for any given Wednesday will be available on the Wednesday two weeks prior (14 days in advance). (For example, the signup sheet for arguments on March 26, 2025 will be available March 12—two weeks prior).
- c. The moving party shall provide a hard copy of their motion at the time of sign-up. Responses to a Contested Motion, if any, shall be provided to the court in hard-copy as well. (Copies should not be sent to Chambers).
- d. It is the responsibility of the moving party to notify all parties of the date and time of the argument. **Your motion MUST have a Notice of Presentation attached with the date, time, and location of the argument as well as a Certificate of Service indicating opposing parties have been served.**
- e. If a motion was initially filed as contested but is later determined to be uncontested prior to the scheduled argument, please notify the court by email and the order will be signed as uncontested without the need to appear to present the motion.

- **UNCONTESTED MOTIONS**

- a. You are required to file your motion with the Department of Court Records.
- b. After your motion has been filed it should be emailed to **ReganDiscovery@alleghenycourts.us** for signing. All parties should be copied on this email. Please put in the subject line of the email UNCONTESTED with the case name and docket number; in the body of the email please list all parties in the case and their email addresses, or other contact information if email is not available, and state that the motion is uncontested or consented to. Please provide your proposed order as a separate **WORD** Document for electronic signing.
- c. If a motion is identified as uncontested, the order will be signed and filed without argument being scheduled, no appearance by any party will be necessary. If you have an emergency uncontested motion, please indicate this in the subject line and body of the email and indicate the date by which the order must be signed.



- **QUESTIONS:** Please email any questions on Discovery Motions to [ReganDiscovery@alleghenycourts.us](mailto:ReganDiscovery@alleghenycourts.us).
- **FAQ's :** Please review the brief FAQ's document for helpful info on Discovery Motions. <https://www.alleghenycourts.us/wp-content/uploads/2025/02/FAQ-Discovery-2.21.25.docx>

## GENERAL INFORMATION

1. Counsel, parties, witnesses, observers, and any person present in court and/or doing business with the Court shall conduct themselves with professionalism and civility.
2. Unless otherwise notified by the Court, all matters and proceedings are being conducted in person. Counsel/the parties shall appear in person for arguments, trials, conciliations, conferences, *etc.* in Courtroom 819, City-County Building.
3. Judge Regan cannot (and will not) address matters that are not properly presented to the Court. All matters requesting action by the Court shall be presented in the form of a motion or petition to the court. The Court will not entertain requests for action that are submitted by unsolicited mail, fax, telephone or email. This includes but is not limited to requests for clarification, reconsideration or modification of orders issued by the Court.
4. Do not send electronic communication directly to Judge Regan unless specifically directed to do so. Any correspondence or filings should be directed to Judge Regan's Law Clerk, Stefanie Frelick, J.D. at [sfrelick@alleghenycourts.us](mailto:sfrelick@alleghenycourts.us). You may also contact Chambers at 412-350-6563.
5. When communicating with the Court via email about a particular case, ALL parties must be included on the email unless directed otherwise. The email addresses of the other parties/opposing counsel must be included either in the "To" or the "CC" boxes so that they are visible to the Court. Do NOT "BCC" the parties/opposing counsel on your communications.
6. With respect to filings, note that the Court does not automatically receive copies of documents filed with the Department of Court Records. If you would like the Court to have a courtesy copy, then you must mail or hand deliver to Chambers. However, Courtesy copies are not required unless explicitly requested by the Court.
7. All documents must include attorney or party (if self-represented) contact information including a phone number and an email address.

8. If counsel/a party has concerns or needs clarification about scheduling in a case, they should contact chambers at (412) 350-6563.

## **PRETRIAL CONCILIATIONS**

Counsel for Plaintiff and Defendant must bring their respective clients. If the clients are business entities, individuals from the business entities who have the authority to settle the case must attend in person. If a party is insured, a representative of the insurance carrier with “check writing and signing” authority must be physically present. The Court requires the physical attendance of all persons mentioned in this paragraph and will excuse such attendance only under exigent circumstances.

## **CIVIL JURY TRIALS**

1. Pretrial Conference - Upon assignment of the trial judge, the judge will schedule a pretrial conference as soon as practicable. Counsel will receive an email from the Court scheduling the conference as well as instructions for what Counsel will need to provide the Court for the conference. At the conference, Counsel is expected to advise the court on the status of settlement discussions. Counsel must also be prepared to identify and discuss the nature of the trial, any unusual legal or evidentiary issues, matters that must be decided prior to trial, plans for visual aids/technology, stipulations, other forms of evidence to be introduced at trial, and schedule.
2. Motions in Limine - The trial judge will schedule these motions prior to trial. All counsel should resist the temptation to conduct the trial by Motions in Limine. The parties shall also meet and confer regarding resolution of any Motions in Limine prior to presentation to the Court.
3. Witness List - At the commencement of trial, counsel for each party shall provide a complete list of potential witnesses to the court reporter and the Court. The list should also include the name of any witness whose testimony will be presented by deposition or videotape and the approximate length of that testimony.
4. Exhibits - Counsel shall submit joint exhibits / stipulations to the Court prior to trial. Plaintiff shall identify exhibits with Arabic numerals (1, 2, 3,...), and Defendant shall use letters (A, B, C,...). At a minimum, the witness, opposing

counsel and the Court must be provided with a copy. Tabbed exhibit binders are preferred.

5. Objections During Trial - When making objections to questions or testimony during trials, the basis for the objection shall be described briefly. Argument concerning objections shall be conducted outside of the jury and/or witnesses, usually at sidebar. Whenever an objection is stated, examination of a witness shall be suspended and shall not continue until the objection is resolved or counsel is directed to go forward. This procedure is not intended to discourage parties from fully stating on the record their objections to or disagreements with the Court's rulings. It is intended only to have such matters conducted outside the hearing of the jury.
6. Videotaped Depositions/Transcripts - If depositions will be read or videotaped depositions played during a jury trial, full transcripts shall be submitted to the court. Additionally, counsel shall attempt to resolve any objections between themselves. If any objections cannot be resolved, then counsel shall notify the Court prior to the Pretrial Conference and the disputed matters will be addressed at the Pretrial Conference.
7. Prior Deposition Testimony - Counsel seeking the use of prior deposition transcripts to impeach a witness should first advise all counsel of which deposition(s) and page and line number(s) he/she intends to use and then provide the witness with a copy before commencing to question the witness on same.
8. Trial Motions - Motions for non-suit, *etc.* may be oral, but a writing is preferred.
9. Charge/Verdict Slip - Counsel shall confer on points for charge and a proposed verdict slip prior to the Pretrial Conference and submit the proposed joint points for charge and verdict slip in Word format prior to the Pretrial Conference. If the parties are unable to agree on a point for charge and/or verdict slip question, then they shall include both proposals in the joint proposal and the Court will hold a charging conference to resolve any matters to which the parties have not agreed. Please note that the Court would like to use the Pennsylvania Suggested Standard Civil Jury Instructions ("PaSSJI") when possible.
10. Miscellaneous/Trial Matters - Counsel shall agree as to what exhibits, photos, *etc.* may go out with the jury. All counsel shall provide the tipstaff with telephone numbers for quick contact once the verdict is returned.

## NONJURY TRIALS

1. Applicable Civil Trial SOPs - Please refer to all applicable SOPs in the Civil Jury Trial section above.
2. Exhibits - Plaintiff shall identify exhibits with Arabic numerals (1, 2, 3,...), and Defendant shall use letters (A, B, C,...). At a minimum, the witness, opposing counsel and the Court must be provided with a copy. Exhibit binders are preferred.
3. Findings of Fact and Conclusions of Law - The Court may request submission of proposed Findings of Fact and Conclusions of Law and/or a proposed Order. These shall be submitted to chambers as directed by the Court with a copy to opposing counsel.

## POST-TRIAL MOTIONS

A copy of any filed post-trial motion must also be served upon the trial judge in chambers. The Court will contact the parties about scheduling argument. The post-trial motion must contain a copy of the request for transcript of the trial testimony and the moving party must promptly see that the Court Reporter is timely paid for preparing the transcript.

## ASBESTOS MOTIONS

1. All Asbestos Motions shall be scheduled by Chambers.
2. General Asbestos Motions
  - a. General Asbestos dates are listed in the Pittsburgh Legal Journal
  - b. All Uncontested Asbestos Motions and any General Asbestos Motions that will be argued shall be submitted to [motionsregan@alleghecourts.us](mailto:motionsregan@alleghecourts.us) at least two (2) days in advance of presentation.
3. Asbestos Motions for Summary Judgment
  - a. Asbestos MSJ argument schedule shall be circulated via email from the Court.
  - b. MSJs for cases assigned to Judge Regan shall be submitted through Judge Regan's online form. The link for the same is sent with the argument schedule.

- c. All responses and replies to be argued shall be sent directly to [asbestosmsjregan@alleghenycourts.us](mailto:asbestosmsjregan@alleghenycourts.us) at least two (2) business days prior to the scheduled argument date.

### **CONTACT INFORMATION**

You may contact Chambers through the following contact information for judicial staff:

- Stefanie Frelick, J.D. – Law Clerk – 412-350-6563; [sfrelick@alleghenycourts.us](mailto:sfrelick@alleghenycourts.us)
- Thomas (TJ) Schmitt – Tipstaff – 412-350-6566; [tschmitt@alleghenycourts.us](mailto:tschmitt@alleghenycourts.us)
- Louis Caputo – Law Clerk – 412-350-6567; [lcaputo@alleghenycourts.us](mailto:lcaputo@alleghenycourts.us)



817 City-County Building  
414 Grant Street  
Pittsburgh, PA 15219  
Telephone: 412-350-1484

## Standard Operating Procedures *for* Judge Mary C. McGinley (Civil Division)

(Effective as of January 15, 2025)

Please note that the below operating procedures are in addition to and supplement the applicable Rules of Civil Procedure and Local Rules, which should also be reviewed.

### GENERAL INFORMATION

- Except for initial conferences in land use matters (addressed below), unless otherwise notified by the Court, counsel/self-represented parties are expected to appear for arguments, trials, conciliations, conferences, *etc.* in person in Courtroom 817, City-County Building.
- When communicating with the Court via email about a particular case, ALL counsel/self-represented parties must be included on the email. The email addresses of other counsel/self-represented parties must be included either in the “To” or the “CC” boxes so that they are visible to the Court. Do NOT “BCC” any clients/parties/opposing counsel on your communications. Please note that communications through the Court’s email addresses shall be limited to transmission of petitions/motions/other filed submissions and inquiry regarding administrative (scheduling) matters. Please do not copy the Court on other forms of communication, such as disagreements amongst the parties/counsel. Unless the Court has specifically authorized transmission of the communication, it shall be treated as *ex parte* and will not be considered.
- With respect to filings, note that the Court does not automatically receive copies of documents filed with the Department of Court Records and a courtesy copy must be provided to chambers at [mcginleysubmissions@alleghenycourts.us](mailto:mcginleysubmissions@alleghenycourts.us). Please send all documents in PDF or Microsoft Word format. **Proposed orders must be attached separately in Microsoft Word format to allow editing by the Court.**
- All documents must include attorney or party (if self-represented) contact information including a phone number and an email address.
- If counsel/a self-represented party has concerns or needs clarification about scheduling in a case, they should contact [MElder@alleghenycourts.us](mailto:MElder@alleghenycourts.us).

## PRETRIAL CONCILIATIONS

Counsel for each party must bring their respective clients. If the clients are business entities, individuals from the business entities who have the authority to settle the case must attend in person. If a party is insured, a representative of the insurance carrier with “check writing and signing” authority must be physically present. The Court requires the physical attendance of all persons mentioned in this paragraph and will excuse such attendance only under emergency circumstances.

## CIVIL JURY TRIALS

1. **Pretrial Conference** – Judge McGinley will schedule a pretrial conference in cases assigned to her for trial. Counsel is expected to advise the Court on the status of settlement discussions. Counsel must also be prepared to identify and discuss the nature of the trial, any unusual legal or evidentiary issues, matters that must be decided prior to trial, plans for visual aids/technology, stipulations, other forms of evidence to be introduced at trial, and schedule.
2. **Motions in Limine** - All counsel should resist the temptation to conduct the trial by Motions in Limine. The parties shall deliver two (2) paper copies of any motions in limine and written responses thereto to Judge McGinley’s Chambers. The parties shall also meet and confer regarding resolution of any Motions in Limine prior to presentation to the Court.
3. **Witness List** - At the commencement of trial, counsel for each party shall provide a complete list of potential witnesses to the court reporter and the Court. The list should also include the name of any witness whose testimony will be presented by deposition or videotape and the approximate length of that testimony.
4. **Exhibits** - Plaintiff shall identify exhibits with Arabic numerals, and Defendant shall use letters. At a minimum, the witness, opposing counsel and the Court must be provided with a copy. Exhibit binders are preferred. Unless instructed otherwise, the proponent of the exhibit shall be its custodian and shall comply with Rules regarding retention, filing and other custodial responsibilities.
5. **Objections During Trial** – When making objections to questions or testimony during trials, the basis for the objection shall be described briefly. Argument concerning objections shall be conducted outside of the jury and/or witnesses, usually at sidebar. Whenever an objection is stated, examination of a witness shall be suspended and shall not continue until the objection is resolved or counsel is directed to go forward. This procedure is not intended to discourage parties from fully stating on the record their objections to or disagreements with the Court’s rulings. It is intended only to have such matters conducted outside the hearing of the jury.
6. **Videotaped Depositions/Transcripts** – If depositions will be read or videotaped depositions played during a jury trial, counsel shall attempt to resolve any objections between themselves. Counsel shall notify the Court if any objections cannot be resolved and the disputed matters will be decided.

7. **Prior Deposition Testimony** - Counsel seeking the use of prior deposition transcripts to impeach a witness should first advise all counsel of which deposition(s) and page and line number(s) they intend to use and then provide the witness with a copy before commencing to question the witness on same.
8. **Trial Motions** - Motions for non-suit, *etc.* may be oral, but a writing is preferred.
9. **Charge/Verdict Slip** – Counsel shall confer on points for charge and a proposed verdict slip at the earliest feasible point so that a joint submission for each is provided to the Court. A written supplement may be provided by each party to address points and matters upon which the parties are unable to agree. The Court will hold a charging conference to resolve any matters to which the parties have not agreed. Please note that the Court wishes to utilize PaSSJIs whenever possible.
10. **Miscellaneous/Trial Matters** - Counsel shall agree as to what exhibits, photos, *etc.* may go out with the jury. All counsel shall provide courtroom staff with telephone numbers for quick contact once the verdict is returned.

### **NONJURY TRIALS**

- Plaintiff shall identify exhibits with Arabic numerals, and Defendant shall use letters. At a minimum, the witness, opposing counsel and the Court must be provided with a copy. Exhibit binders are preferred.
- The Court may request submission of proposed Findings of Fact and Conclusions of Law and/or a proposed Order. These shall be submitted in Word format to [mcginleysubmissions@alleghenycourts.us](mailto:mcginleysubmissions@alleghenycourts.us) with copy to opposing counsel.

### **POST-TRIAL MOTIONS**

- A copy of any filed post-trial motion must also be served upon the trial judge in chambers or electronically at [mcginleysubmissions@alleghenycourts.us](mailto:mcginleysubmissions@alleghenycourts.us). The Court will contact the parties about scheduling argument. The post-trial motion must contain a copy of the request for transcript of the trial testimony and the moving party must promptly see that the Court Reporter is timely paid for preparing the transcript.



## COMMERCE AND COMPLEX LITIGATION MATTERS

Any motions to assign cases to the Commerce and Complex Litigation Center shall be presented to Judge McGinley for review and consideration following filing with the Department of Court Records. A courtesy hard copy of any such motion shall be delivered to Chambers at the above-listed address and a courtesy copy shall also be emailed to [mcginleysubmissions@alleghenycourts.us](mailto:mcginleysubmissions@alleghenycourts.us) with copy to opposing counsel/self-represented parties. Acceptance of a case into the Center is discretionary even if the motion is presented as a consent motion. If a case is assigned to the Center, further scheduling will be managed by the assigned judge.

For cases assigned to Judge McGinley, all motions/petitions/objections requiring disposition shall first be filed with the Department of Records and then emailed to [mcginleysubmissions@alleghenycourts.us](mailto:mcginleysubmissions@alleghenycourts.us) with copy to opposing counsel/self-represented parties for scheduling.

Please note that cases admitted into the Center remain subject to Local Rule 212.7 regarding mandatory mediation.

## LAND USE MATTERS

Consistent with past practice, Judge McGinley will schedule an initial remote conference on each land use appeal. Following conference, a case management/briefing schedule will issue. Briefs will be due simultaneously absent unique circumstances requiring deviations from this practice. Issues will be decided on the filed record and briefs. No additional evidence is accepted as a general rule. Judge McGinley will not schedule oral argument as a matter of course.

The Court requests that the parties provide two paper copies of filed briefs (not the record) to Chambers. Motions/submissions/inquiries relating to land use matters may be emailed to [zoningmcginley@alleghenycourts.us](mailto:zoningmcginley@alleghenycourts.us). Please note that these cases are *not* subject to the Local Rule regarding mandatory mediation.

## OTHER CASES SPECIALLY ASSIGNED TO JUDGE MCGINLEY

For any other cases that are specially assigned to Judge McGinley through order of the Administrative Judge of the Civil Division, Judge McGinley will schedule an initial case management conference with the parties.

## CONTACT INFORMATION

You may contact Chambers through the following information for judicial staff:

- Maureen Elder – Administrative Assistant – 412-350-1484; [MElder@alleghenycourts.us](mailto:MElder@alleghenycourts.us)
- Rosemary Fehlner – Senior Law Clerk – 412-350-1486; [RFehlner@alleghenycourts.us](mailto:RFehlner@alleghenycourts.us)
- Jack O'Brien – Junior Law Clerk/Tip Staff – 412-350-1485; [JOBrien@alleghenycourts.us](mailto:JOBrien@alleghenycourts.us)

January 2025

## **STANDARD OPERATING PROCEDURES**

**For the courtroom of  
The Honorable Arnold I. Klein  
708 City-County Building  
414 Grant Street  
Pittsburgh, PA 15219  
Phone: (412) 350-4373      Facsimile: (412) 350-4521**

**Effective as of January 2025**

Please note that the below operating procedures are in addition to and supplement the applicable Rules of Civil Procedures and Local Rules, which should also be reviewed.

**Introduction.** This document contains the standard operating procedures for the courtroom of the Honorable Arnold I. Klein in the Civil Division of the Allegheny County Court of Common Pleas. Counsel, litigants, and all other interested persons should use this document as a guide for proceedings before the court.

### **GENERAL INFORMATION**

Unless otherwise notified by the Court, all matters and proceedings are being conducted in person. Counsel/the parties shall appear in person for arguments, trials, conciliations, conferences, etc. in Courtroom 708, City-County Building.

When communicating with the Court via email about a particular case, ALL parties must be included on the email unless directed otherwise.

The email address of the other parties/ opposing counsel must be included either in the "To" or the "CC" boxes so that they are visible to the Court. Do NOT "BCC" any clients/parties/ opposing counsel on your communications. **Please note that communications through the Court's email addresses shall be limited to transmission of petitions/ motions/ other filed submissions and inquiry regarding administrative (scheduling) matters. Please do not copy the court on other forms of communication, such as disagreements amongst the parties/counsels. Unless the Court has specifically authorized transmission of the communication, it shall be treated as *ex parte* and will not be considered.**

**Unrepresented Parties.** Individual (*i.e.*, non-corporate) parties are usually permitted to represent themselves before the court. However, such parties must litigate their cases according to all applicable rules, including the Pennsylvania Rules of Evidence, the Pennsylvania Rules of Civil Procedure, and the Allegheny County Rules of Civil Procedure. Because following the applicable rules can be difficult for those not trained in the law, unrepresented parties should consider obtaining an attorney. The Allegheny County Bar Association Lawyer Referral Service at (412) 261-5555 may be helpful to litigants seeking counsel.

**Requests for Relief.** Except as otherwise provided herein or except as otherwise directed by the court, parties requesting any type of relief or other action by the court must present their requests via motion or petition. Motions and petitions are to be filed with the Department of Court Records and served on all parties and the court consistent with applicable Pennsylvania and Allegheny County rules. All motions and petitions shall contain a proposed court order.

**Pretrial Conciliations.** Before any scheduled conciliation, all parties must timely file and serve their respective pretrial statements in compliance with the Pennsylvania and Allegheny County Rules of Civil Procedure. Failure to comply fully with filing and service requirements may result in sanctions. Counsel, their respective clients, and the insurance representative or representatives who possess settlement authority must attend all pretrial conciliations. Only with prior approval of the court will the physical attendance of a party or the party's authorized representative(s) be excused. If the case settles before the conciliation date, the parties must notify the judicial secretary and/ or tipstaff by either phone call, email, U.S. mail or by facsimile confirming settlement to this court.

**Jury Trials.** As soon as counsel learns that the case has been assigned to this court for trial, counsel must deliver to the court's chambers hard copies of all pretrial motions and briefs whether or not

those motions and/or briefs were previously filed with the Department of Court Records. The court will normally hold a hearing on pretrial motions.

Counsel must report to the courtroom upon completion of jury selection so that the court may hold a pretrial conference.

The court will normally require the parties to seek agreement on, and submit, joint final jury instructions and a joint verdict slip.

**Non-Jury Trials.** No later than 15 minutes before the time scheduled for the start of trial, counsel and *pro se* litigants shall have appeared in the courtroom, shall have executed all necessary waivers to proceed with a non-jury trial, shall have addressed their envelopes (provided by the court's tipstaff) for receipt of the verdict, shall have given the foregoing items to the court's tipstaff, and shall be prepared to meet with the court at a pretrial conference to address the possibility of settlement, to determine stipulations, and to consider any unusual question of law or procedure that is anticipated to arise during the course of the trial.

**Post-Trial Motions.** The filing party must serve a copy of its post-trial motion on the opposing party and on the court. The filing party is reminded to consult the Allegheny County Rules of Civil Procedure regarding the party's obligations to order the needed portions of the trial and/or related transcripts. If the trial and/or

related transcripts are not necessary in order to prepare a brief, the moving party must file a brief at the time the party files its post-trial motion. If one or more transcripts are needed to prepare a brief, the court will allow the moving party time to file a brief after the party receives the required transcript(s). The non-moving party may file a response no more than fourteen days after the moving party has filed its motion and brief. Depending on the circumstances of the case, the court may decide the motion with or without a hearing.

### **CIVIL CONTESTED MOTIONS**

Pursuant to Local Rule 208.3(a)(6)(b)(v), the moving party is required to provide Judge Klein with notice of all CONTESTED Motions in advance of a scheduled argument when Judge Klein is sitting as the General Motions Judge. To do this please email your motion as a PDF document and your proposed order as a separate WORD document to **kleinchambers@alleghenycourts.us**. Responses and any replies can also be emailed in PDF format. Opposing parties must be copied on this email. Please include in the subject line of the email CONTESTED with the case name and docket number, please also include the date and time of presentation of your motion in the body of the email.

### **GENERAL ASBESTOS MOTIONS**

General Asbestos Motion dates are scheduled before each asbestos judge once monthly, with the dates and times listed in the PLJ. These motions include all discovery motions, preliminary objections and any motion related to an asbestos case.

Contested General Asbestos Motions signed up with Judge Klein are to be emailed to the Judges staff at **[motionsklein@alleghenycourts.us](mailto:motionsklein@alleghenycourts.us)** prior to the motion date.

Contested motions will be argued and the orders will be signed and filed with the Department of Court Records.

Uncontested General Asbestos Motions can be forwarded to either Judge Klein's staff for Judge Klein's signature and filing with the Department of Court Records. No need for presentation.

### **ASBESTOS MOTIONS FOR SUMMARY JUDGMENT**

Asbestos MSJ argument schedule will be circulated via email from the court.

MSJs for cases assigned to Judge Klein that anticipate an argument must be submitted through Judge Klein's online form. The link for the online form can be found on the argument schedule email

that is forwarded to the asbestos attorneys or you may contact Judge Klein's chambers for that information.

All responses and replies to MSJ arguments should be sent directly to the tipstaff, Dan Cuneen, at [dcuneen@alleghenycourts.us](mailto:dcuneen@alleghenycourts.us) at least two (2) business days prior to the scheduled argument date.

Asbestos trial cases are listed on the general trial list and may be assigned to any Civil Division Judge for trial.

For additional information on Asbestos matters please refer to the Allegheny County court's website under the Departments of Civil Division – Asbestos. [Asbestos - Fifth Judicial District of Pennsylvania \(alleghenycourts.us\)](http://www.alleghenycourts.us)

### **CONTACT INFORMATION**

You may contact Chambers through the following contact information for judicial staff:

Monica Dawkins – Judicial Assistant – [mdawkins@alleghenycourts.us](mailto:mdawkins@alleghenycourts.us)

Dan Cuneen – Tipstaff – [dcuneen@alleghenycourts.us](mailto:dcuneen@alleghenycourts.us)

Paul DaChille – Law Clerk – [pd22law@gmail.com](mailto:pd22law@gmail.com)



## **Judicial Special Assignments**

Case types that are specially assigned:

- Administrative Judge – Honorable Alan D. Hertzberg
- Allegheny County Beverage Tax – Honorable Arnold I. Klein
- Abraxas – Honorable Arnold I. Klein
- Asbestos – Honorable Arnold I. Klein & Honorable Daniel D. Regan
- Calendar Control – Honorable Patrick M. Connelly
- Civil Service – Honorable Alan D. Hertzberg
- Class Actions – Honorable Alan D. Hertzberg
- Commerce & Complex Litigation Center – Honorable Philip A. Ignelzi & Honorable Mary C. McGinley
- Conservatorships – Honorable Alan D. Hertzberg, Honorable John T. McVay, Jr. (City of PGH only), Honorable Chelsa L. Wagner & (Uncontested – Honorable W. Terrence O'Brien)
- Construction – Honorable Arnold I. Klein
- Discovery – Honorable Daniel D. Regan
- Election Law – Honorable John T. McVay, Jr., Honorable Chelsa L. Wagner & Honorable Mary C. McGinley
- Eminent Domain – Honorable Mary C. McGinley
- F.O.P – Honorable Alan D. Hertzberg & Honorable Chelsa L. Wagner
- Health Department – Honorable John T. McVay, Jr.
- Housing Agency Appeals – Honorable Patrick M. Connelly
- Landlord-Tenant – Honorable Patrick M. Connelly, Honorable Chelsa L. Wagner & Honorable John T. McVay, Jr.
- Land Use – Honorable Mary C. McGinley
- Labor Relations – Honorable Alan D. Hertzberg & Honorable Chelsa L. Wagner
- Local Agency Appeals (Statutory Appeals) – Assigned by A.J.
- Mortgage Foreclosure Conciliation (Save Your Home) – Honorable John T. McVay, Jr.

- Minor Settlement Approvals/Guardianship Settlement Approvals – Honorable Patrick M. Connelly
- Office of Open Records/Right to Know – Honorable Daniel D. Regan
- Pennsylvania Liquor Control Board – Honorable Arnold I. Klein
- Prisoner Rights – Honorable Daniel D. Regan
- Real Estate – Honorable Mary C. McGinley
- School District – Honorable Alan D. Hertzberg
- Special Name Change · Honorable Christine A. Ward, Honorable Mary C. McGinley & Honorable Hugh F. McGough
- Structured Settlement Approvals – Motions Judge
- Talc/Toxic Substance – Honorable Arnold I. Klein
- Water Exoneration Hearing Board Appeals – Honorable Alan D. Hertzberg
- Zoning, Oil / Gas – Honorable Mary C. McGinley

Purdon's Pennsylvania Statutes and Consolidated Statutes  
Pennsylvania Local Court Rules--Western Region  
Allegheny County  
Civil and Family Court Rules  
Business of Courts

Allegheny Cty.Civ.Fam.R. 208.2(d)

Rule 208.2(d). Uncontested Motion Certification

[Currentness](#)

**(1)** A motion that is represented to be uncontested shall contain a certification, substantially in the form found on the Court's "Uncontested Motions Coversheet", by the moving party or counsel for the moving party that they have conferred with all interested parties, the full text of the motion and proposed order has been disclosed, and that the requested relief is uncontested. Uncontested Motions shall be presented pursuant to Local Rule 208.3(a)(6)(b)(iii).

#### **Credits**

[Adopted Sept. 15, 2023, effective 30 days after publication in the *Pennsylvania Bulletin*.]

Allegheny Civil and Family Rule 208.2(d), PA R ALLEGHENY CTY CIV FAM Rule 208.2(d)

Current with amendments received through December 1, 2024. Some rules may be more current, see credits for details.

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Allegheny Cty.Civ.Fam.R. 208.2(e)

Rule 208.2(e). Certification of Good Faith Attempt to Amicably Resolve Discovery Motions

[Currentness](#)

(1) All Discovery Motions shall contain a certification, substantially in the form found on the Court's "Discovery Motions Form," that the moving party has conferred with all other parties in an attempt to resolve the discovery disputes at issue. In the event the moving party was unable to confer with any party, the attempts made to confer with that party shall be specifically set forth in the Motion.

**Credits**

[Adopted Sept. 15, 2023, effective 30 days after publication in the *Pennsylvania Bulletin*.]

Allegheny Civil and Family Rule 208.2(e), PA R ALLEGHENY CTY CIV FAM Rule 208.2(e)

Current with amendments received through December 1, 2024. Some rules may be more current, see credits for details.

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Allegheny Cty.Civ.Fam.R. 208.3(a)

Rule 208.3(a). Procedures for the Disposition of Motions

Currentness

(1) As used in this rule, “motion” means any application to the court made in any civil action or proceeding except as provided by subdivisions (b)(1) and (2) of [Pa.R.Civ.P. 208.1](#).

(a) This court has not promulgated a local rule, numbered Local Rule 208.3(b), because this court has not imposed requirements for the filing of a response or a brief with respect to any motion. However, the parties are encouraged to submit briefs when it is anticipated that the court will want to consider briefs before deciding the issue.

(b) This local rule does not govern motions filed in specially assigned cases (see the court's website page for a list of the specially assigned case types) or any other case specially assigned by an order of court to a single judge. Procedures for disposition of motions in specially assigned cases may be established by case management orders, standard operating procedures, or other directives issued by the assigned judge.

*Note:* At the time of these amendments the following matters are identified on the Court's website as specially assigned case types: Abandoned & Blighted Property Conservator (see Local Rules 701 et seq.), Asbestos, Class Action, Commerce & Complex Litigation Center, Construction, County Beverage Tax, Election, Eminent Domain, Mortgage Conciliation, Pennsylvania Liquor Control Board, Prisoner Rights, Right-to-Know, Save Your Home, Special Name Change (see Local Rule 505), Structured Settlement Approvals, Toxic Substance, Water Exoneration Hearing Board Appeals, and Zoning. This list is periodically updated.

(c) Procedures for disposition of the following are set forth in the following local rules:

(i) Preliminary objections (governed by Local Rule 1028(c)),

(ii) Motions for judgment on the pleadings (governed by Local Rule 1034(a)),

(iii) Motions for summary judgment (governed by Local Rule 1035.2(a)), and

(iv) Petitions to strike and/or open a default judgment or a judgment of non-pros (governed by Local Rule 206.4(c)).

(2) Procedure applicable to all motions: A motion may be presented only after service of the copy of the motion and notice of the date, time, and location of presentation on all other parties. Except in cases of emergency, or with the consent of all other parties, the date of presentation shall be at least ten (10) days after service of a copy of the motion and the notice of the date of presentation.

*Note:* If after reviewing Sections (3) through (6) below questions remain as to where a motion should be presented or which judges should hear a particular motion, please send an inquiry email to [Civilgenmotions@alleghenycourts.us](mailto:Civilgenmotions@alleghenycourts.us).

### **(3) Calendar Control Judge.**

(a) The Calendar Control Judge shall hear the following:

(i) All motions in any case that appears on a published trial list shall be presented to the Calendar Control Judge. This includes all motions that would otherwise have been heard by the General Motions Judge or the Discovery Motions Judge.

*Note:* The docket will show if a case has been listed for trial on a published trial list. For docket entries, go to <https://dcr.alleghenycounty.us> and click on Civil/Family Division, then “Search” and enter the docket number.

(ii) All motions relating to the following matters, regardless of whether a case has been listed for trial or has appeared on a published trial list:

(a) the compromise, settlement, and discontinuance of an action to which a minor is a party;

*Note:* See Local Rule 2039 for the procedures governing a petition presented pursuant to [Pa.R.Civ.P. 2039](#).

(b) the compromise, settlement, and discontinuance of an action to which an incapacitated person is a party;

*Note:* See Local Rule 2064 for the procedures governing a petition presented pursuant to [Pa.R.Civ.P. 2064](#).

(c) praecipes to place at issue; and

(d) contested motions for continuance of an arbitration hearing, other than in Housing Court cases, which are presented to the Housing Court Judge. Such motions shall be presented using the Cover Sheet and Adjournment of Hearing Form (Form 208.3(a)) which is available on the Court's website at <https://www.alleghenycourts.us/civil/arbitration.aspx>.

*Note:* To reschedule an arbitration hearing date with agreement of all parties, an Adjournment of Hearing Form shall be presented to the arbitration email at [civilarb@alleghenycourts.us](mailto:civilarb@alleghenycourts.us). These procedures are published on the Court's website at <https://www.alleghenycourts.us/courts/arbitration.aspx>.

(b) *Presentation:*

- (i) The Calendar Control Judge does not schedule the date or time of presentation. The moving party/petitioner selects the date and time for presentation.

*Note:* Calendar Control Motions are generally held at 9:30 a.m. Please refer to the Calendar Control Judge's standard operating procedures and the Calendar Control Motions schedule, which can be found at: <https://www.alleghenycourts.us/civil/about/calendar-control>.

- (ii) A courtesy copy shall be provided to the Calendar Control Judge in advance of presentation of the motion.

#### **(4) Discovery Motions Judge.**

- (a) The Discovery Motions Judge shall hear the following:

- (i) All discovery motions for General and Arbitration Docket cases that have not yet appeared on a published trial list or been assigned a trial date; with the exceptions set forth below in subsection (iv) this includes Arbitration Docket cases which have been assigned an arbitration hearing date (although such motions are disfavored);

*Note:* The scheduling of an arbitration hearing does not constitute appearance on a published trial list or the assignment of a trial date.

- (ii) All motions relating to pre-complaint discovery;

- (iii) Discovery in aid of execution;

- (iv) All motions to dismiss based upon affidavits of non-involvement pursuant to [Pa.R.Civ.P. No. 1036, et seq.](#)

- (b) The following discovery motions will not be heard by the Discovery Motions Judge and shall be heard by the General Motions Judge:

- (i) Requests for injunctive relief, including discovery on requests for injunctive relief; and

- (ii) Discovery disputes relating to or arising out of a Rule to Show Cause issued by the General Motions Judge.

- (c) Discovery motions assigned to a specific Judge shall be heard by the assigned judge.

- (d) *Presentation:*

- (i) The Discovery Motions Judge shall determine the method of submission, hearing date/time, and format of hearings, at the Discovery Motions Judge's discretion, pursuant to the procedures located on the Court's Website.

(ii) Absent compelling circumstances, the court requires the parties to conduct a meaningful “meet and confer” prior to presentation of any contested motion. The court will inquire into the specifics of the meet and confer during the hearing.

*Note:* See Local Rule 208.2(e) regarding the requirements for the “Certification of Good Faith Attempt to Amicably resolve Discovery Motions”.

(iii) All parties must bring an additional coversheet/caption for the benefit of the Court Reporter.

(iv) The moving party shall indicate whether the motion is contested or uncontested/unopposed. If a party is unable to represent to the clerk affirmative assent to a motion being uncontested/unopposed, the motion shall be classified as contested. See explanatory note below.

a. Uncontested or unopposed motions will be heard first, followed by contested motions.

*Note:* In presenting a motion as uncontested or unopposed, counsel certifies to the court that a copy of the motion, exhibits, and any proposed order was served on every other party or attorney of record.

#### **(5) Housing Court Judge.**

(a) The Housing Court Judge shall hear the following:

(i) All motions involving Housing Court cases. (See Local Rule 76 Definitions for information relating to which cases shall be assigned to the Housing Court or ruled upon the Housing Court Judge.);

(ii) All contested requests for the continuance of an arbitration hearing in a Housing Court matter; and

(iii) All Motions for Late Appeal of Disposition from a Magisterial District Judge in a Landlord Tenant Proceeding.

(b) *Presentation:*

(i) Except for initial filings as set forth in Local Rule 205.4(a)(1)(B)(3) (i.e., Motions to File Late Appeal), all Housing Court Motions must be electronically filed pursuant to Local Rule 205.4.

(a) Prior to electronically filing the motion with the Department of Court Records, the moving party must request an argument date by submitting the motion to the Housing Court Help Desk email at [HCHelpdesk@alleghenycourts.us](mailto:HCHelpdesk@alleghenycourts.us). The Help Desk will provide a date and time for argument, which the moving party shall include in a notice of presentation when electronically filing the motion. The Court may not hear argument if the docketed motion does not have a completed Notice of Presentation, with the date and time of argument provided by the Housing Court Help Desk.



(b) After electronically filing the motion with the provided argument date, the Moving party shall serve a copy of the motion on all other parties with the notice of the date and time of the argument.

*Note:* For further information concerning Housing Court procedures, forms and protocols, Parties should go to the Court's website at <https://www.alleghenycourts.us/civil/about/housing-court/>. [the order in the PA Bulletin has (ii) and (iii) incorrectly labeled (i) and (ii)]

(ii) The party seeking a contested continuance of an arbitration hearing shall present to the Housing Court Judge an Adjournment of Hearing Form (FORM 208.3(a)) (see subsection (3)(a)(ii)(d) above), which may be obtained from the Housing Court Clerk at the Housing Court Help Desk: First Floor City-County Building, or by going to the Court's website, and specifically the arbitration page where such forms are available to download.

*Note:* If all parties agree to the continuance, the Housing Court Clerk has the authority to sign the Adjournment of Hearing continuing the case (FORM 208.3(a)) (see subsection (3)(a)(ii)(d) above).

(iii) Motion for Late Appeal shall be filed in person pursuant to Local Rule 205.4(a)(1)(A)(3) with the Department of Court Records and a copy immediately provided to the Housing Court Clerk (See Housing Court Help Desk: First Floor City County Building, for Forms relating to Motions for Late Appeal).

(a) The Housing Court Clerk will schedule the motion with the Housing Court Judge. The motion will generally be scheduled on a date which provides all other parties with ten (10) days' notice of the scheduled argument date. However, if an eviction is scheduled, the Housing Court Clerk will make every effort to schedule argument on Motion for Late Appeal before the scheduled eviction, although the Court may not be able to schedule a hearing before the eviction date. The filing party is responsible for informing the Housing Court Clerk of the date of any scheduled eviction.

(b) The filing party is required to serve the Motion for Late Appeal upon the opposing party, and if the filing party is the tenant, also required to serve the Motion for Late Appeal upon the Magisterial District Court issuing the Disposition.

## **(6) General Motions Judge.**

(a) The General Motions Judge shall hear the following for any General and Arbitration Docket case that has not yet appeared on a published trial list or been listed for trial:

(i) All motions relating to the following:

(a) pleadings including amendments, joinder of parties, late joinder of additional defendants;

(b) withdrawal and disqualification of counsel;

(c) discontinuances, consolidation, severance, and coordination of actions in different counties ([Pa.R.Civ.P. 213.1](#));

(d) transfers between Arbitration and General Docket;

(e) certificates of merit ([Pa.R.Civ.P. 1042.1, et seq.](#));

(f) requests for injunctive relief, including discovery on requests for injunctive relief; and

(g) discovery disputes relating to or arising out of a Rule to Show Cause issued by the General Motions Judge.

(ii) All motions for any Arbitration Docket case prior to listing for trial, except:

(a) discovery motions, which shall be presented to the Discovery Motions Judge;

(b) the compromise, settlement, and discontinuance of an action to which a minor is a party, which shall be presented to the Calendar Control Judge;

(c) the compromise, settlement, and discontinuance of an action to which an incapacitated person is a party, which shall be presented to the Calendar Control Judge;

(d) contested requests for the continuance of an arbitration hearing, which shall be presented to the Calendar Control Judge.

(iii) All petitions to strike and/or open a default judgment or a judgment of non-pros (the procedure including presentation, for which is found at Local Rule 206.4(c), not below);

(iv) All motions not otherwise addressed in Local Rules 208.3, 1028(c), 1034(a), or 1035.2(a).

(b) *Presentation:*

(i) The General Motions Judge hears motions daily at 9:30 a.m. in Courtroom 703. The General Motions Judge does not schedule the date or time of presentation. The moving party/petitioner selects the date and time for presentation.

(ii) The original motion must be filed pursuant to Local Rule 205.4 with the Department of Court Records. A copy of the motion shall be provided to the Chief Motions Clerk prior to presentation.

(iii) A motion which is uncontested, and which contains the certification required by Local Rule 208.2(d), may be presented in person or by emailing the Motion with a proposed order in Microsoft Word format to [civiluncontestedmotions@allegheycourts.us](mailto:civiluncontestedmotions@allegheycourts.us).

(iv) For all Contested Motions, a copy of the Motion shall be provided to the Judge assigned to sit as the General Motions Judge on the date the motion is noticed for presentation pursuant to subparagraph (i). If the motion is resolved or is moot prior to the noticed argument date, the moving party shall notify the Judge to whom they provided notice.

*Note:* Judicial Assignments for General Motions can be found at <https://www.alleghenycourts.us/civil/about/general-motions/>. Procedures for providing copies of the motion can be found in each Judge's Standard Operating Procedures, found at <https://www.alleghenycourts.us/civil/judicial-chambers-operating-procedures>.

(v) The General Motions Supervisor/Clerk will file any order issued by the Court.

**(7) Form 208.3(a). Arbitration Adjournment of Hearing Form and Cover Sheet.**

**IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA CIVIL DIVISION**

**COVER SHEET**

**CIVIL DIVISION**

Plaintiff

GD No \_\_\_\_\_

v.

\*(Use AR or LT No. for Arbitration Cases and BV No. for Assessment Appeals.)

Type of Pleading

Defendants

**Adjournment of Arbitration Hearing**

Filed on behalf of

(Name of Filing Party)

Counsel of Record

Individual, if Pro Se

Address, Telephone Number, and Email Address:

Attorney's State ID: \_\_\_\_\_

Attorney's Firm ID: \_\_\_\_\_

**IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY PENNSYLVANIA**

**ARBITRATION SECTION**

No. \_\_\_\_\_, 20\_\_\_\_\_

Presently listed \_\_\_\_\_

No. of Times Continued \_\_\_\_\_

vs Landlord/Tenant Action \_\_\_\_\_

A false certification of consent of all parties is subject to the provisions of 18 Pa.C.S.A. § 4904(a) pertaining to unsworn falsification to authorities and is sanctionable under 42 Pa.C.S.A. § 2503.

### ADJOURNMENT OF HEARING

On \_\_\_\_\_, 20 \_\_\_, on order of court, the date of hearing is adjourned to \_\_\_\_\_, 20 \_\_\_.

Stipulation

**BY THE COURT:**

REASON FOR CONTINUANCE:

*Note:* A Microsoft Word version of this form can be obtained and downloaded from the Civil Arbitration page of the Court's website at <http://www.alleghenycourts.us/civil/about/about-arbitration/>.

### Credits

[Adopted Apr. 15, 2004, effective Aug. 3, 2004. Amended Oct. 4, 2006, effective Jan. 8, 2007; Oct. 9, 2014, effective upon publication on the UJS Portal; Dec. 27, 2019, effective 30 days after publication in the *Pennsylvania Bulletin*; Nov. 29, 2021, effective 30 days after publication in the *Pennsylvania Bulletin*; Sept. 15, 2023, effective 30 days after publication in the *Pennsylvania Bulletin*; July 2, 2024, effective 30 days after publication in the *Pennsylvania Bulletin*.]

Allegheny Civil and Family Rule 208.3(a), PA R ALLEGHENY CTY CIV FAM Rule 208.3(a)

Current with amendments received through December 1, 2024. Some rules may be more current, see credits for details.

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- [Division Phone Numbers \(https://www.alleghenycourts.us/contact-or-visit/division-phone-numbers/\)](https://www.alleghenycourts.us/contact-or-visit/division-phone-numbers/)
- [Court of Common Pleas Judges \(https://www.alleghenycourts.us/contact-or-visit/court-of-common-pleas-judges/\)](https://www.alleghenycourts.us/contact-or-visit/court-of-common-pleas-judges/)
- [Magisterial District Judges \(https://www.alleghenycourts.us/contact-or-visit/magisterial-district-judges/\)](https://www.alleghenycourts.us/contact-or-visit/magisterial-district-judges/)

# Civil Division

## Discovery

### ADDRESS

**Honorable Judge Daniel D. Regan**

819 City-County Building

414 Grant Street

Pittsburgh, PA 15219

[directions \(https://goo.gl/maps/JY8nmFoAwCehREjL6\)](https://goo.gl/maps/JY8nmFoAwCehREjL6)

### PHONE

412.350.6563

### EMAIL

[ReganDiscovery@alleghenycourts.us](mailto:ReganDiscovery@alleghenycourts.us)

# Discovery Motions

## Discovery Court Procedures

(Updated March 18th, 2025)

- Discovery Motions (contested) are being held IN-PERSON, every Wednesday morning from 9:30am to 12:30pm in Courtroom 819, 414 Grant Street, Pittsburgh, Pa 15219.
- **IMPORTANT:** Effective 3/18/25, specific time slots will no longer be provided for arguments on contested Discovery Motions.

- **All parties with contested motions must appear 9:30 AM for arguments on the Wednesday for which they signed up.** Arguments will be heard in the order in which they appear on the sign-up sheet.
- The moving party must still sign up in-person on a sign-up sheet for a particular Wednesday. The moving party will list their name, case name, #, type of motion.
- All Motions must have a NOTICE OF PRESENTATION and CERTIFICATE OF SERVICE attached.

## CONTESTED MOTIONS

- All contested Discovery Motions will be held IN-PERSON every Wednesday in Courtroom 819, City-County Building, 414 Grant Street, Pittsburgh, Pennsylvania 15219. Remote argument will NOT be permitted except for exigent circumstances at the discretion of the Court.
- Any party wishing to schedule a Discovery motion shall appear in Courtroom 819 and place their name/case on the sign-up sheet for argument. The sign-up sheet for any given Wednesday argument session will be available the Wednesday two weeks prior to argument (i.e. the sign-up sheet for March 26, 2025 arguments will be available March 12, 2025). The sign-up sheet will be on a table in the back of Courtroom 819.
- The moving party shall provide a hard copy of their motion at the time of sign-up. Responses to a Contested Motion, if any, shall be provided to the court in hard-copy as well.
- It is the responsibility of the moving party to notify all parties of the date and time of the argument. Your motion MUST have a Notice of Presentation attached with the date, time, and location of the argument as well as a Certificate of Service indicating opposing parties have been served.
- If a motion was initially filed as contested but is later determined to be uncontested prior to the scheduled argument, please notify the court by email at [ReganDiscovery@alleghenycourts.us](mailto:ReganDiscovery@alleghenycourts.us) and the order will be signed as uncontested without the need to appear to present the motion.

## UNCONTESTED MOTIONS

- You are required to file your motion with the Department of Court Records.
- After your uncontested motion has been filed it should be emailed to [ReganDiscovery@alleghenycourts.us](mailto:ReganDiscovery@alleghenycourts.us) for signing. All parties should be copied on this email. Please put in the subject line of the email UNCONTESTED with the case name and docket number; in the body of the email please list all parties in the case and their email addresses, or other contact information if email is not available, and state that the motion is uncontested or consented to. Please provide your proposed order as a separate WORD or PDF Document for electronic signing.
- If a motion is identified as uncontested, the order will be signed and filed without argument being scheduled, no appearance by any party will be necessary. If you have an emergency uncontested

motion, please indicate this in the subject line and body of the email and indicate the date by which the order must be signed.

- Departments of the Civil Division (<https://www.alleghencourts.us/civil/about/>)
  - Arbitration (<https://www.alleghencourts.us/civil/about/about-arbitration/>)
  - Asbestos (<https://www.alleghencourts.us/civil/about/asbestos/>)
  - Board of Viewers (<https://www.alleghencourts.us/civil/about/bov/>)
  - Calendar Control (<https://www.alleghencourts.us/civil/about/calendar-control/>)
  - Commerce & Complex Litigation (<https://www.alleghencourts.us/civil/about/commerce-complex-litigation/>)
  - Discovery Motions (<https://www.alleghencourts.us/civil/about/discovery/>)
  - General Motions (<https://www.alleghencourts.us/civil/about/general-motions/>)
  - Housing Court (<https://www.alleghencourts.us/civil/about/housing-court/>)
  - Judicial Special Assignments (<https://www.alleghencourts.us/civil/about/special-case-types/>)
  - Mediation (<https://www.alleghencourts.us/civil/about/mediation/>)
  - Mortgage Foreclosure Program (<https://www.alleghencourts.us/civil/about/mortgage-foreclosure-program/>)
- Case Scheduling (<https://www.alleghencourts.us/civil/case-scheduling/>)
- Civil Court Calendar (<https://www.alleghencourts.us/civil/civil-court-calendar/>)
- Division Directory (<https://www.alleghencourts.us/civil/office-locations-telephone-numbers/>)
- Forms (<https://www.alleghencourts.us/civil/forms/>)
- Frequently Asked Questions (<https://www.alleghencourts.us/civil/frequently-asked-questions/>)
- Judicial Directory & Operating Procedures (<https://www.alleghencourts.us/civil/judicial-chambers-operating-procedures/>)
- Local Rules for the Civil Division (<https://www.alleghencourts.us/civil/local-civil-division-rules/>)
- Departments of the Civil Division (<https://www.alleghencourts.us/civil/about/>)
  - Arbitration (<https://www.alleghencourts.us/civil/about/about-arbitration/>)
  - Asbestos (<https://www.alleghencourts.us/civil/about/asbestos/>)
  - Board of Viewers (<https://www.alleghencourts.us/civil/about/bov/>)
  - Calendar Control (<https://www.alleghencourts.us/civil/about/calendar-control/>)
  - Commerce & Complex Litigation (<https://www.alleghencourts.us/civil/about/commerce-complex-litigation/>)
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  - Judicial Special Assignments (<https://www.alleghencourts.us/civil/about/special-case-types/>)
  - Mediation (<https://www.alleghencourts.us/civil/about/mediation/>)

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# Civil Division

## Civil / Commerce and Complex Litigation Center

### Address

414 Grant Street  
817 or 821 City-County Building  
Pittsburgh, PA 15219  
[directions \(https://goo.gl/maps/JY8nmFoAwCehREjL6\)](https://goo.gl/maps/JY8nmFoAwCehREjL6)

# Commerce & Complex Litigation

## Assignment of Cases

The Civil Division Administrative Judge has designated that all motions to assign a case to the Center will be presented to the Honorable Mary C. McGinley. No case will be assigned to the Center without an order of court.

An order of court assigning a case to the Center may be entered pursuant to a motion of a party titled Motion to Assign Case to the Commerce and Complex Litigation Center or by the court without a request from any party.

Any case assigned to the Center may, at the discretion of the judge to whom the case is assigned, be transferred out of the Center at any time if the judge concludes that the case should never have been assigned to the Center, that the case is no longer complex, or that, for any other reason, the case is no longer suitable for the Center. A case may also be referred out of the Center for trial if the resources of the Center preclude the case from being tried by a judge assigned to the Center.

**NOTE:** *It is anticipated that commercial litigation which remains complex will be tried by the judge in the Center who is handling the case.*



## Responsibility of the Trial Judge

The judge to whom the case is assigned shall actively manage the case by utilizing those case management tools that will, for the particular case, provide an efficient, cost effective, timely, and fair resolution of the case. The judge to whom the case is assigned is responsible for all motions involving the case, including discovery. However, matters relating to the selection of a jury may be handled by the Calendar Control Judge of the Civil Division.

**NOTE:** *The scheduling procedures and motions practice for cases assigned to the Commerce and Complex Litigation Center may be addressed in an initial order of court or in email correspondence with the assigned judge's staff.*

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## Timing

Motions to assign a case to the Center may be presented by any defendant after a complaint has been filed and by any plaintiff as soon as one defendant is served. Notice of presentation shall be furnished to all parties, including parties who have not been served. The judges within the Center wish to become involved in litigation that should be assigned to the Center prior to disposition of preliminary objections seeking dismissal of any claims.

**NOTE:** *The judges assigned to the Center will be less willing to grant a motion assigning a case to the Center where preliminary objections raising significant legal issues have already been decided. However, there is no fixed rule as to when a motion must be presented where a case is not on the Trial List.*

**NOTE:** *When a case is on the Trial List, unless all parties consent to the assignment of the case to the Center, the judges assigned to the Center will not, without the agreement of the Calendar Control Judge, consider a motion to assign the case to the Center.*

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## Types of cases that may be assigned to the Center

The types of cases that may be assigned to the Center fall into two major categories: Commerce or Complex Litigation. The Commerce category is subject matter based. The Complex Litigation category is based on the complexities of the litigation. Many cases coming within the Commerce category will also come within the Complex Litigation category.

The Commerce category is broken into two subcategories as further described below: The first subcategory identifies cases that, because of the subject matter, are presumptively accepted. The second subcategory describes commercial cases that the Center's judges will more carefully review before determining whether to assign the case to the Center.

**NOTE:** *The court may decide not to assign to the Center a case that is presumptively accepted if the motion to assign the case to the Center is untimely, if there are no significant legal issues and the facts are uncomplicated, or if the amount in controversy, taking into account the importance of the litigation to the litigants, does not justify the use of the Center's limited resources.*

## **A.1. Commerce Cases that are presumptively assigned to the Center**

1. Shareholder derivative actions and all other actions relating to the governance and conduct of internal affairs of all business enterprises, however organized, including liability of officers, directors, partners, managers, and trustees under statute and common law.
2. Actions involving sale or purchase, or merger or conversion of any form of business entity, including the sale of the entire assets of the entity.
3. Actions in which the primary claims arise out of restrictive covenants and involve a severe disruption of the affairs of a business.

NOTE: The Center will not necessarily assume responsibility for requests for preliminary injunctive relief. This will depend on the nature of the dispute and the availability of a member of the Center.

4. Actions where the primary disputes involve intellectual property or trade secrets.
5. Actions relating to securities, including claims arising out of violations of securities act of any jurisdiction.
6. Actions where the primary claims relate to the Internet, electronic commerce, and biotechnology, including disputes over the interpretation and enforcement of any agreements involving these topics.
7. Any class actions for which the Class Action Judge has not assumed responsibility.

## **A.2. Other Commercial Litigation**

1. Litigation under the Uniform Commercial Code arising out of commercial transactions which involves complex factual or legal issues or will otherwise require extensive case management.

NOTE: A case is not deemed to require extensive case management because of the inability of the litigants to resolve matters that should be resolved without judicial intervention.

2. Actions arising out of commercial transactions involving alleged breaches of contract or fiduciary duties, fraud, misrepresentation, business torts, violations of anti-trust and restraint of trade laws if the claims involve complex factual or legal issues or will otherwise require extensive case management.

3. Employer-employee disputes, including discrimination claims, where the litigation involves complex factual or legal issues or will otherwise require extensive case management.
4. Insurance coverage disputes arising from policies insuring business enterprises and any disputes as to environmental insurance coverage provided, as to both types of disputes, that the dispute involves an amount of at least \$250,000.
5. Business insolvencies and receiverships.
6. Confirmation and Vacation of Arbitration Awards entered in favor of or against a business entity if the amount of the controversy exceeds \$250,000.
7. Franchisor-franchisee disputes which involve complex factual or legal issues or will otherwise require extensive case management.

## **B. Complex Litigation**

This category refers to litigation that, if not declared complex, will in all likelihood require the involvement of more than one judge and the expenditure of a substantial amount of judicial resources and will benefit significantly from case management.

Factors that will be considered in making the determination of whether the case will be assigned to the Center include (1) the number of separately represented parties with differing interests; (2) the number of anticipated motions; (3) the degree of novelty and complexity of the factual and legal issues; (4) the amount of the controversy; and (5) the time it may take for the case to be tried. Consideration will also be given as to how the limited resources of the Center may be best utilized.

The following are examples of litigation that may be assigned to the Center: (1) mass tort or toxic tort litigation (other than asbestos); (2) personal injury cases that involve large numbers of separately represented parties with different interests, issues of unique concern or that will benefit significantly from extensive case management; (3) environmental private actions; (4) construction litigation where the amount in controversy exceeds \$1,000,000; and (5) consumer litigation where numerous lawsuits are based on similar conduct.

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## **Cases that will not be assigned to the Center**

The following actions will not be assigned to the Center in the absence of compelling circumstances:

1. landlord-tenant disputes involving possession of property;
2. mortgage foreclosures;
3. eminent domain;
4. proceedings to enforce a judgment regardless of the nature of the underlying case; and
5. applications to open a default judgment.

**NOTE:** *If a default judgment is opened, the case may be assigned to the Center if it meets the criteria for assignment. Petitions to open a confessed judgment may be assigned to the Center if the case meets the criteria for assignment.*

**NOTE:** *Petitions to open a confessed judgment may be assigned to the Center if the case meets the criteria for assignment.*

[Back to Top](#)

- [Departments of the Civil Division \(https://www.alleghenycourts.us/civil/about/\)](https://www.alleghenycourts.us/civil/about/)
  - [Arbitration \(https://www.alleghenycourts.us/civil/about/about-arbitration/\)](https://www.alleghenycourts.us/civil/about/about-arbitration/)
  - [Asbestos \(https://www.alleghenycourts.us/civil/about/asbestos/\)](https://www.alleghenycourts.us/civil/about/asbestos/)
  - [Board of Viewers \(https://www.alleghenycourts.us/civil/about/bov/\)](https://www.alleghenycourts.us/civil/about/bov/)
  - [Calendar Control \(https://www.alleghenycourts.us/civil/about/calendar-control/\)](https://www.alleghenycourts.us/civil/about/calendar-control/)
  - [Commerce & Complex Litigation \(https://www.alleghenycourts.us/civil/about/commerce-complex-litigation/\)](https://www.alleghenycourts.us/civil/about/commerce-complex-litigation/)
  - [Discovery Motions \(https://www.alleghenycourts.us/civil/about/discovery/\)](https://www.alleghenycourts.us/civil/about/discovery/)
  - [General Motions \(https://www.alleghenycourts.us/civil/about/general-motions/\)](https://www.alleghenycourts.us/civil/about/general-motions/)
  - [Housing Court \(https://www.alleghenycourts.us/civil/about/housing-court/\)](https://www.alleghenycourts.us/civil/about/housing-court/)
  - [Judicial Special Assignments \(https://www.alleghenycourts.us/civil/about/special-case-types/\)](https://www.alleghenycourts.us/civil/about/special-case-types/)
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- [Case Scheduling \(https://www.alleghenycourts.us/civil/case-scheduling/\)](https://www.alleghenycourts.us/civil/case-scheduling/)
- [Civil Court Calendar \(https://www.alleghenycourts.us/civil/civil-court-calendar/\)](https://www.alleghenycourts.us/civil/civil-court-calendar/)
- [Division Directory \(https://www.alleghenycourts.us/civil/office-locations-telephone-numbers/\)](https://www.alleghenycourts.us/civil/office-locations-telephone-numbers/)
- [Forms \(https://www.alleghenycourts.us/civil/forms/\)](https://www.alleghenycourts.us/civil/forms/)
- [Frequently Asked Questions \(https://www.alleghenycourts.us/civil/frequently-asked-questions/\)](https://www.alleghenycourts.us/civil/frequently-asked-questions/)
- [Judicial Directory & Operating Procedures \(https://www.alleghenycourts.us/civil/judicial-chambers-operating-procedures/\)](https://www.alleghenycourts.us/civil/judicial-chambers-operating-procedures/)
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**Quick Links**

- [Division Phone Numbers \(https://www.alleghenycourts.us/contact-or-visit/division-phone-numbers/\)](https://www.alleghenycourts.us/contact-or-visit/division-phone-numbers/).
- [Court of Common Pleas Judges \(https://www.alleghenycourts.us/contact-or-visit/court-of-common-pleas-judges/\)](https://www.alleghenycourts.us/contact-or-visit/court-of-common-pleas-judges/).
- [Magisterial District Judges \(https://www.alleghenycourts.us/contact-or-visit/magisterial-district-judges/\)](https://www.alleghenycourts.us/contact-or-visit/magisterial-district-judges/).

# Civil Division

## Asbestos

### Address/Phone

#### Judge Arnold Klein

708 City-County Building

414 Grant Street

Pittsburgh, PA 15219

412.350.4373

[directions \(https://goo.gl/maps/JY8nmFoAwCehREjL6\)](https://goo.gl/maps/JY8nmFoAwCehREjL6).

#### Judge Daniel Regan

704 City-County Building

414 Grant Street

Pittsburgh, PA 15219

412.350.6563

[directions \(https://goo.gl/maps/JY8nmFoAwCehREjL6\)](https://goo.gl/maps/JY8nmFoAwCehREjL6).

### Hours of Operation

Monday through Friday

8:30 a.m.-4:30 p.m.

## Asbestos

The Asbestos Specialty Court manages and resolves asbestos litigation. Case management procedures are governed by [Administrative Docket No. 332 of 2005 \(https://www.alleghenycourts.us/wp-content/uploads/2023/01/2022.01.13-AD-05-332-1.pdf\)](https://www.alleghenycourts.us/wp-content/uploads/2023/01/2022.01.13-AD-05-332-1.pdf).

Once the Praecipe to Place Case at Issue is filed and scheduled for a particular trial term, the cases are then divided between the two Asbestos Judges. Each judge schedules their own Motions for Summary Judgment Arguments (Product & Non Product). Each Judge will provide a submission form for attorneys and/or staff to complete and submit a form if a Motion for Summary Judgment is intended to be heard. Please contact each judge's chambers for that information. No Motions, Response or Replies are to be mailed or hand delivered to chambers. The submission form must be submitted for each Motion that is anticipated to be argued.

## General Asbestos Motions

- General Asbestos Motion dates are scheduled before each asbestos judge once monthly, with the dates and times listed in the Pittsburgh Legal Journal. These motions include all discovery motions, preliminary objections and any motion related to an asbestos case assigned to either individual Judge. These Motions can be presented to either Judge Klein or Judge Regan regardless of the judge assignment.
  - General Asbestos Motions signed up with Judge Klein are to be emailed to the Judges staff at [motionsklein@alleghenycourts.us](mailto:motionsklein@alleghenycourts.us) or to Judge Regan's staff at [motionsregan@alleghenycourts.us](mailto:motionsregan@alleghenycourts.us) prior to the motion date and advising whether or not the Motion is Contested or Uncontested.
  - Uncontested Motions can be forwarded to Judge Klein's staff **OR** Judge Regan's staff for signature and filing with the Department of Court Records (DCR). No need for presentation.
  - Contested motions will be argued and the orders will be signed and filed with the Department of Court Records (DCR)
- Asbestos trial cases are listed on the general trial list and may be assigned to any Civil Division Judge for trial.
  - Departments of the Civil Division (<https://www.alleghenycourts.us/civil/about/>)
    - Arbitration (<https://www.alleghenycourts.us/civil/about/about-arbitration/>)
    - Asbestos (<https://www.alleghenycourts.us/civil/about/asbestos/>)
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    - Mediation (<https://www.alleghenycourts.us/civil/about/mediation/>)

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY PENNSYLVANIA

CIVIL DIVISION

RE: ASSIGNMENT OF JUDGES IN  
REAL ESTATE MATTERS

ORDER OF COURT  
Alan Hertzberg, A.J.  
AD 24- 367  
Administrative Docket

DEPT. OF COURT RECORDS  
CIVIL DIVISION  
ALLEGHENY COUNTY PA

2024 DEC 16 PM 2:42

FILED

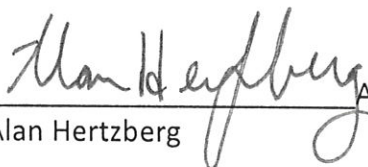
ORDER OF COURT

AND NOW, this 16 day of December 2024, it is hereby ORDERED that the following assignments shall be effective immediately unless otherwise assigned by Order of the Administrative Judge:

1. All matters involving the application of the Common Level Ratio to any pending real estate tax assessment appeal, and any interpretations of decisions and Orders of Court entered in the case of *Gioffre et. al. v. Fitzgerald et. al.*, GD 21-007154 as they relate to the use of the Common Level Ratio shall be heard by Administrative Judge Alan Hertzberg, and scheduled by his chambers.
2. All objections filed to Board of Viewer Hearing Officer Reports in real estate tax assessment appeals shall be heard by Judge Mary McGinley and will be scheduled by her chambers.
3. All discovery issues arising in real estate tax assessment appeals pending before the Allegheny County Board of Viewers shall be heard by the Hearing Officer assigned to that particular case, and scheduled by the Board of Viewers.
4. All other non-discovery, non-CLR matters pertaining to real estate tax assessment appeals are assigned to Judge Mary McGinley and will be scheduled by her chambers.
5. All appeals from the Board of Property Assessment Appeals and Review involving property tax exemptions brought pursuant to Local Rule 504 shall be assigned to the Allegheny County Board of Viewers and shall follow the same process as all other tax assessment appeals as found in Local Rules 502 and 503 and subparts.

6. All matters pertaining to Eminent Domain cases, whether pending at the Allegheny County Board of Viewers or pending on the General Docket, shall be heard by Judge Mary McGinley and will be scheduled by her chambers.

BY THE COURT,

  
Alan Hertzberg A. J.



IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA  
CIVIL DIVISION

IN RE:

CONSTRUCTION LITIGATION

ORDER OF COURT

Alan Hertzberg, A.J.

AD 25-115-CJ

ADMINISTRATIVE DOCKET

**ORDER OF COURT**

On this 19 day of March, 2025, it appearing that the interests of the litigants and the interests of the court will be furthered if a single judge assumes responsibility for the management and trial of all construction litigation in which the amount in controversy exceeds \$500,000.

It is hereby ORDERED that all construction litigation in which the amount in controversy exceeds \$500,000 will be assigned to the Construction Litigation Judge.

It is ORDERED that at any time after the lawsuit has been instituted, any party may file, and serve on the Construction Litigation Judge and the other parties, a notice stating that this is a lawsuit arising out of construction litigation in which the amount in controversy exceeds \$500,000, and

It is ORDERED that Honorable Arnold I. Klein shall serve as the Construction Litigation Judge.

BY THE COURT:

Alan Hertzberg, J.

FILED

2025 MAR 20 AM 9:04

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CIVIL/FAMILY DIVISION  
ALLEGHENY COUNTY PA