# PHILADELPHIA COURT OF COMMON PLEAS PETITION/MOTION COVER SHEET

**INDICATE NATURE OF DOCUMENT FILED:**

Petition (Attach Rule to Show Cause)  Motion

Answer to Petition  Response to Motion

{{ plaintiffname1 }}

{% if plaintiffnumber > 1%}{{ plaintiffname2 }}{% else %}{% endif %}

{% if plaintiffnumber > 2 %}{{ plaintiffname3 }}{% else %}{% endif %}

Plaintiff(s)

vs.

{{ defendantname1 }}

{% if defendantnumber > 1 %}{{ defendantname2 }}{% else %}{% endif %}

{% if defendantnumber > 2 %}{{ defendantname3 }}{% else %}{% endif %}

Defendant(s)

CONTROL NUMBER:

***(RESPONDING PARTIES MUST INCLUDE THIS NUMBER ON ALL FILINGS)***

{% if nines == ‘No’%}

{% elif nines == ‘Yes’ %}

Case No. {{ serial }}

{% endif %}

Name of Filing Party: {{ plaintiffname1 }}

*(Check one)* ☐ Plaintiff ☒ Defendant

*(Check one)* ☐ Movant ☐ Respondent

**Has another petition/motion been decided in this case?** ☐ Yes ☐ No

**Is another petition/motion pending?** ☐Yes ☐ No

If the answer to either question is yes, you must identify the judge(s): **N/A**

|  |  |  |
| --- | --- | --- |
| TYPE OF PETITION/MOTION *(see list on reverse side)*  Petition to Open Default Judgment | | PETITION/MOTION CODE  *(see list on reverse side)*  **PTODJ** |
| ANSWER/RESPONSE FILED TO *(Please insert the title of the corresponding petition/motion to which you are responding):* | | |
| 1. **CASE PROGRAM**   **Is this case in the** *(answer all questions)***:**   * 1. **COMMERCE PROGRAM**   Name of Judicial Team Leader: \_\_\_\_\_\_\_\_\_\_\_\_ Applicable Petition/Motion Deadline: \_\_\_\_\_\_\_\_\_\_\_\_  Has deadline been previously extended by the Court?  Yes  No   * 1. **DAY FORWARD/MAJOR JURY PROGRAM —**   Name of Judicial Team Leader: \_\_\_\_\_\_\_\_\_\_\_ Applicable Petition/Motion Deadline: \_\_\_\_\_\_\_\_\_ Has deadline been previously extended by the Court?  Yes  No   * 1. **NON JURY PROGRAM**   Date Listed: \_\_\_\_\_\_\_\_   * 1. **ARBITRATION PROGRAM**   Arbitration Date: \_\_\_\_\_\_\_\_   * 1. **ARBITRATION APPEAL PROGRAM**   Date Listed: \_\_\_\_\_\_\_\_\_\_   * 1. **OTHER PROGRAM: Ejectment**   Date Listed: {{ complaintdate }} | **II.** PARTIES (required for proof of service)  (Name, address and ***telephone number*** of all counsel of record and unrepresented parties. Attach a stamped addressed envelope for each attorney of record and unrepresented party.)  {{ plaintiffname1 }}  {{ plaintiffstreetaddress1 }}  {{ plaintiffcity1 }}, {{ plaintiffzipcode1 }}  {{ plaintiffphone1 }}  {% if plaintiffnumber > 1 %}  {{ plaintiffname2 }}  {{ plaintiffstreetaddress2 }}  {{ plaintiffcity2 }}, {{ plaintiffzipcode2 }}  {{ plaintiffphone2 }}  {% else %} {% endif %}  {% if plaintiffnumber > 2 %}  {{ plaintiffname3 }}  {{ plaintiffstreetaddress3 }}  {{ plaintiffcity3 }}, {{ plaintiffzipcode3 }}  {{ plaintiffphone3 }}  {% else %} {% endif %} | |
| **III. OTHER**  By filing this document and signing below, the moving party certifies that this motion, petition, answer or response along with all documents filed, will be served upon all counsel and unrepresented parties as required by rules of Court (see PA. R.C.P. 206.6, Note to 208.2(a), and 440). Furthermore, moving party verifies that the answers made herein are true and correct and understands that sanctions may be imposed for inaccurate or incomplete answers. | | |

Signature: {{ signature1 }} Date: {{ today1 }} Printed Name: {{ defendantname1 }}

### The Petition, Motion and Answer or Response, if any, will be forwarded to the Court after the Answer/Response Date. No extension of the Answer/Response Date will be granted even if the parties so stipulate.

30-1061 (Rev. 8/2014)

**Instructions for Completing Petition/Motion Cover Sheet**

A Petition/Motion Cover Sheet must be attached to all Petitions, Motions, Answers or Responses filed, except for Discovery Motions and Motions for Extraordinary Relief. Sanctions will be imposed if the Cover Sheet is inaccurately completed.

Please Note the following:

1. ANSWER or RESPONSE DATE. The Motion Clerk shall enter the “Answer” or “Response” Date on the Cover Sheet. All Responses to Motions and Answers to Petitions must be filed with the Office of Judicial Records and submitted to the Motion Clerk on or before the Response Date. **Note:** Summary Judgment Motions have a 30 day Response period. Except for those Motions identified in Phila.Civ.R. \*208.3(a) and (b), all other Motions have a 20 day Response period.
2. ARGUMENT DATE. The Motion Clerk shall enter the Argument Date and location on the Cover Sheet, as appropriate.
3. CONTROL NUMBER. The Motion Clerk shall assign a Control Number to all Petitions and Motions. The Responding parties must enter this Control Number on the Cover Sheet accompanying their Answer or Response.
4. NATURE OF DOCUMENT FILED. The filing party must check whether the document being filed is a Petition (in which case a Rule to Show Cause Order must be attached), a Motion, an Answer to a Petition, or a Response to a Motion. The parties must indicate whether another Petition or Motion is outstanding or has been decided and, if so, must identify the Judge(s) to whom such prior Petitions or Motions had been assigned.
5. PETITION OR MOTION TYPES. The parties must utilize the following Petition or Motion Codes and Types (and the Motion Clerk is authorized to change a filing party’s designation to reflect the correct Petition or Motion Code and Type):

CODE MOTIONS CODE MOTIONS CODE MOTIONS

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| MTSAL | Motion for Additional Distribution of Sale  Proceeds | | MTSUP | Motion for Entry of Supersedeas | MTSAN | | Motion for Sanctions |
| MTEXP | Motion for Expungement of Record | MT229 | | Motion for Sanctions for Failure to Deliver  Settlement Funds |
| MTPHV | Motion for Admission Pro Hac Vice | | MTEOT | Motion for Extension of Time to file  Certificate of Merit |
| MTSVR | Motion for Alternative Service | | MTSAS | | Motion to Set Aside Sheriff’s Sale |
| MTAMJ | Motion to Amend Judgment | | MTEXT | Motion for Extension of Time to answer/  respond) | MTSAA | | Motion to Set Aside Award |
| MTAMD | Motion to Amend Pleading | | MTIPP | | Motion to Settle Incompetent/ |
| MTGAL | Motion to Appoint Guardian Ad Litem | | PTEXR | Motion for Extraordinary Relief | Incapacitated Person’s Estate |
| MTAPC | Motion for Appointment of a Conservator | | MTNPT | Motion to File Nunc Pro Tunc | MTSPR | | Motion to Stay Proceedings |
| MTMCF | Motion for Approval and Distribution of  Minor’s Compromise | | MTFUS | Motion to File Under Seal | MTWOE | | Motion to Stay Writ of Execution |
| PTFMV | Motion to Fix Fair Market Value | MTSTK | | Motion to Strike Pleading |
| MTWRD | Motion for Approval & Distribution of  Wrongful Death & Survival Action | | MTINT | Motion for Interpleader | MTSJD | | Motion for Summary Judgment (30 day |
| MTINV | Motion to Intervene | hold) |
| MTAPS | Motion to Approve Transfer of Structured | | MTIOP | Motion to Invalidate Opt-Outs (Class  Action cases) | MTRAE | | Motion for Supplementary Relief in Aid of |
| Settlement | | Execution |
| MTADH | Motion for Assessment of Damages | | MTJAD | Motion to Join Additional Defendant | MTRDM | | Motion to Reassess Damages |
| Hearings | | MTJPL | Motion for Judgment on the Pleadings | MTREF | | Motion for Reimbursement of Fees |
| MTAMV | Motion to Auction Motor Vehicles | | MTJUR | Motion for Jury Out of Time | MTREL | | Motion to Release Bond |
| MTBIF | Motion to Bifurcate | | MTLIM | Motion in Limine | MTRDS | | Motion to Remove Case from Deferred |
| MTCIA | Motion to Certify Order for Interlocutory  Appeal | | MTMJS | Motion to Mark Judgment Satisfied | Status |
| MTMVR | Motion to Obtain Motor Vehicle Records | MTSRC | | Motion to Seal Record |
| MTCNM | Motion to Change Name | | MTOPN | Motion to Open/Strike Confessed  Judgment | MTSEV | | Motion to Sever Cases |
| MTCLC | Motion for Class Action Certification | | MTSPP | | Motion for Specific Performance |
| MTCMP | Motion to Compel Discovery | | MTPAR | Motion for Partition | MTTFR | | Motion to Transfer |
| MTCPS | Motion to Compel Payment of Settlement | | MTPIC | Motion for Payment into Court | MTTRJ | | Motion to Transfer Judgment |
| MTCOM | Motion to Complete Terms of Sheriff’s  Sale | | MTPRE | Motion to Pay Rent into Escrow Account | MTFTV | | Motion for Title to Vehicle |
| MTSYS | Motion to Postpone Sheriff’s Sale | MTWDA | | Motion to Withdraw Appearance |
| MTCST | Motion to Confirm Settlement | | PTTMF | Motion for Post Trial Relief | MTWPS | | Motion for Writ of Possession |
| MTCNS | Motion to Consolidate Actions | | MTPCD | Motion for Pre-Complaint Discovery | MTWRS | | Motion for Writ of Seizure |
| MTCON  MTCOR  MTCRT | Motion for Continuance  Motion for Coordination of Actions Motion to Correct Record | | PRINJ MTPSA | Motion for Preliminary Injunction  Motion for Preliminary Settlement Approval (Class Action Cases) | MTMIS  CODE | | Miscellaneous Motion  PETITIONS |
| MTCNF Motion for Counsel Fees | | MTPDE | | Motion to Preserve Documents and | PTAAR | Petition to Appoint Common Law | | |
| PTDOM | Motion for Delay Damages |  | | Evidence |  | Arbitrator | | |
| MTDJT | Motion to Demand Jury Trial | MTIFP | | Motion to Proceed In Forma Pauperis | PTARC | Petition to Appoint a Receiver | | |
| DPROB | Motion to Determine Preliminary  Objections | MTPRO | | Motion for Protective Order | PTCAR | Petition to Compel Arbitration | | |
| MTQSH | | Motion to Quash | PTCAW | Petition to Confirm Arbitration Award | | |
| MTDSC | Motion to Discontinue Case | MTRCS | | Motion for Reconsideration | PTCST | Petition to Confirm Settlement | | |
| MTDIS | Motion to Dismiss for Forum Non  Conveniens | MTRPR | | Motion to Redeem Premises | PTFCT | Petition for Contempt | | |
| MTREF | | Motion to Release Escrow Funds | PTOJD | Petition to Open Default Judgment | | |
| MTDCN | Motion to Disqualify Counsel | MTOPT | | Motion to Remove Opt-Out of the  Proposed Settlement Agreement (Class Action Cases) | PTSNP | Petition to Open Judgment of Non Pros | | |
| MTEMG | Emergency Motion | PTEMG | Emergency Petition | | |
| MTEST  MTJDG MTJNP | Motion to Enforce Settlement  Motion for Entry of Default Judgment  Motion for Entry of Judgment of Non Pros | MTRWT | | Motion to Return Writ of Possession or Execution |  |  | | |

1. CASE PROGRAM. The party shall check the program to which the case is assigned and provide the requested program data.
2. PARTIES. The filing parties shall set forth the name, address and telephone number of all counsel of record and unrepresented parties, and must attach a stamped addressed envelope for each attorney of record and unrepresented party.
3. OTHER. The parties shall enter other relevant important information in this box – such as request for stay, emergency designation etc. – placing the Motion Clerk on notice of special handling or request.
4. SIGNATURE LINE. The Cover Sheet must be signed, dated and, if applicable, the attorney ID number must be provided.
5. SERVICE. A copy of the file-stamped Petition, Motion, Answer, Response and attachments must be served on all parties of record immediately after filing as required by Pa.R.C.P. 206.6, and Pa.R.C.P. 440.

**The Current Version of the Petition/Motion Cover Sheet May Be Downloaded From The First Judicial District’s Website**[**: http://courts.phila.gov.**](http://courts.phila.gov/)

|  |  |
| --- | --- |
| {{ plaintiffname1 }}  {% if plaintiffnumber > 1%} {{ plaintiffname2 }} {% else %}{% endif %}  {% if plaintiffnumber > 2 %} {{ plaintiffname3 }} {% else %}{% endif %}  Plaintiff(s)  vs.  {{ defendantname1 }}  {% if defendantnumber > 1 %} {{ defendantname2 }} {% else %}{% endif %}  {% if defendantnumber > 2 %}{{ defendantname3 }} {% else %}{% endif %}  Defendant(s) | {% if nines == ‘No’%}    Case No. \_\_\_\_\_\_\_\_\_    {% elif nines == ‘Yes’ %}  Case No. {{ serial }}  {% endif %}  Control No. \_\_\_\_\_\_\_\_\_\_ |

**RULE**

AND NOW, this day of , , upon consideration of the foregoing Petition to Open Default Judgment, a RULE is hereby entered upon the Respondent to show cause why the relief requested therein should not be granted.

RULE RETURNABLE on the day of , , at

a.m./p.m., in Courtroom , City Hall, Philadelphia, PA 19107.

# BY THE COURT:

J.

|  |  |
| --- | --- |
| {{ plaintiffname1 }}  {% if plaintiffnumber > 1%} {{ plaintiffname2 }} {% else %}{% endif %}  {% if plaintiffnumber > 2 %} {{ plaintiffname3 }} {% else %}{% endif %}  Plaintiff(s)  vs.  {{ defendantname1 }}  {% if defendantnumber > 1 %} {{ defendantname2 }} {% else %}{% endif %}  {% if defendantnumber > 2 %}{{ defendantname3 }} {% else %}{% endif %}  Defendant(s) | {% if nines == ‘No’%}    Case No. \_\_\_\_\_\_\_\_\_    {% elif nines == ‘Yes’ %}  Case No. {{ serial }}  {% endif %}  Control No. \_\_\_\_\_\_\_\_\_\_ |

**ORDER**

AND NOW, this day of , , upon consideration of the

Petition to Open Default Judgment, and any response thereto, it is ORDERED and DECREED that said Petition to Open Default Judgment is GRANTED.

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# BY THE COURT:

J.

|  |  |
| --- | --- |
| {{ plaintiffname1 }}  {% if plaintiffnumber > 1%} {{ plaintiffname2 }} {% else %}{% endif %}  {% if plaintiffnumber > 2 %} {{ plaintiffname3 }} {% else %}{% endif %}  Plaintiff(s)  vs.  {{ defendantname1 }}  {% if defendantnumber > 1 %} {{ defendantname2 }} {% else %}{% endif %}  {% if defendantnumber > 2 %}{{ defendantname3 }} {% else %}{% endif %}  Defendant(s) | {% if nines == ‘No’%}    Case No. \_\_\_\_\_\_\_\_\_    {% elif nines == ‘Yes’ %}  Case No. {{ serial }}  {% endif %}  Control No. \_\_\_\_\_\_\_\_\_\_ |

**(Please fill in information below)**

1¶ {{ paragraph1 }} {% if paragraph1 == ‘This petition is being filed more than 10 days after the date of entry of the default judgment.’ %}{{ explanation1 }}. {% else %} {% endif %}

2¶ {{ paragraph2 }}

3¶ {{ paragraph3 }}

4¶ A copy of my answer or preliminary objection is attached as Exhibit A

|  |  |
| --- | --- |
| {{ plaintiffname1 }}  {% if plaintiffnumber > 1%} {{ plaintiffname2 }} {% else %}{% endif %}  {% if plaintiffnumber > 2 %} {{ plaintiffname3 }} {% else %}{% endif %}  Plaintiff(s)  vs.  {{ defendantname1 }}  {% if defendantnumber > 1 %} {{ defendantname2 }} {% else %}{% endif %}  {% if defendantnumber > 2 %}{{ defendantname3 }} {% else %}{% endif %}  Defendant(s) | {% if nines == ‘No’%}    Case No. \_\_\_\_\_\_\_\_\_    {% elif nines == ‘Yes’ %}  Case No. {{ serial }}  {% endif %}  Control No. \_\_\_\_\_\_\_\_\_\_ |

## MEMORANDUM OF LAW

**(Brief in support of Motion/Petition or Answer)**

{{ paragraph4 }}

**WHEREFORE, based on the above reasons, the defendant’s petition to open default judgment should be granted.**

## VERIFICATION

I, {{ defendantname1 }}, Defendant, verify that the facts set forth in the foregoing are true and correct to the best of my information, knowledge and belief.

I understand that the statements contained herein are subject to the Penalties of 18 Pa.C.S.A., Section 4904 relating to unsworn falsification to authorities.

{{ defendantname1 }}

(Print Name)

{{ signature2 }}

(Signature)

Date: {{ today1 }}

## CERTIFICATION OF SERVICE

I, {{ defendantname1 }} , hereby certify that a true and correct copy of the foregoing Motion/Petition and accompanying papers, was served on the below listed addresses by First-Class United States mail, postage pre-paid on {{ servedate }}:

Name: {{ plaintiffname1 }}

Address: {{ plaintiffstreetaddress1 }}

City, State, Zip Code: {{ plaintiffcity1 }}, {{ plaintiffzipcode1 }}

{% if plaintiffnumber > 1 %}

Name: {{ plaintiffname2 }}

Address: {{ plaintiffstreetaddress2 }}

City, State, Zip Code: {{ plaintiffcity2 }}, {{ plaintiffzipcode2 }}

{% else %} {% endif %}

{% if plaintiffnumber > 2 %}

Name: {{ plaintiffname3 }}

Address: {{ plaintiffstreetaddress3 }}

City, State, Zip Code: {{ plaintiffcity3 }}, {{ plaintiffzipcode3 }}

{% else %} {% endif %}

Date: {{ today1 }} By: {{ signature3 }}

{{ defendantname1 }}