

FORM A -- REQUEST TO USE “ABRAMSON PROTOCOLS”

**IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY
FIRST JUDICIAL DISTRICT
CIVIL TRIAL DIVISION**

Caption

: court term and number

**REQUEST TO USE COMMERCE CASE MANAGEMENT PROGRAM PROTOCOLS
FOR ALTERNATIVE DISPUTE RESOLUTION PROCEDURE USING
THREE JUDGE PANEL AND COMMON LAW ARBITRATION
(“ABRAMSON PROTOCOLS”)**

**(TO BE SUBMITTED TO CATHERINE HART, COURT ADMINISTRATIVE OFFICER
OF THE COMMERCE CASE MANAGEMENT PROGRAM, ROOM 521 CITY HALL)**

All parties in the above-captioned matter, by and through their undersigned counsel, mutually and jointly request that they be permitted to use the Commerce Case Management Program Protocols for Alternative Dispute Resolution using a Three Judge Panel and binding Common Law Arbitration, as set forth below:

1. Joint statement of why this action would benefit for use of these Protocols:

2. The names of the arbitrator or arbitrators that will determine the factual issues:

3. A copy of the arbitration agreement is to be provided herewith, but will not be docketed.

4. A joint statement of each legal issue as to which the parties seek a ruling. This list shall constitute the sole and entire set of issues that the parties will stipulate and agree is necessary to fully determine this action.

The legal issues shall be set forth on a separate sheet and attached to this Request Form.

5. The parties have agreed to the following discovery. (Insert yes or no in space provided, and a specific number or "none" as to any limits on the discovery to which the parties agree).

a. Request for Production of Documents: _____. Number limit _____.

b. Interrogatories: _____. Number limit _____.

c. Depositions: _____. Number limit _____.
Estimate of total number of depositions to be taken by all parties: _____.

d. Requests for Admissions: _____. Number limit _____.

e. Expert Reports: _____.

i. Will expert reports be exchanged simultaneously? _____.

ii. If expert reports will not be exchanged simultaneously, then set forth the order of the expert reports to be submitted, included provision for any rebuttal reports. Any rebuttal report must be submitted within _____ days of the report to which it is responding:

f. The parties (do/do not) _____ anticipate any difficulties or problems in the prompt completion of discovery. If the parties do anticipate any difficulties or problems, set forth those difficulties or problems below, and how the parties anticipate such problems will affect the completion of discovery, with an estimate of how long it will take to resolve such difficulties or problems:

6. Jointly proposed date for the completion of all discovery: _____.

The parties are expected to work promptly, cooperatively and in good faith in providing discovery responses and in resolving discovery disputes to avoid delays, and before seeking the Court's intervention. Any discovery disputes will be resolved through Discovery Court practice by the Assigned Judge.

7. Oral argument (is/is not) _____ requested before the Three Judge Panel.

8. The parties fully understand that all decisions rendered by the Assigned Judge and/or the Three Judge Panel shall be governed by applicable Pennsylvania law, including but not limited to the Pennsylvania Rules of Civil Procedure and the Pennsylvania Rules of Evidence. The parties jointly agree as follows as to whether the Pennsylvania Rules of Civil Procedure and/or the Pennsylvania Rules of Evidence shall be applied by the arbitrators, by stating yes or no:

Pennsylvania Rules of Civil Procedure: _____

Pennsylvania Rules of Evidence: _____

This Request is jointly submitted by:

[Name of Counsel]

As counsel for [Name of Party]

[Name of Counsel]

As counsel for [Name of Party]

**JOINT STATEMENT OF LEGAL ISSUES PER ITEM NUMBER 4.
(EACH ISSUE SHOULD BE DISTINCT AND NUMBERED SEPARATELY)**