

**FORM B -- STIPULATION AND ORDER**

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

*Caption*

*: court term and number*

**STIPULATION AND ORDER**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 200\_, the parties, by and through their undersigned counsel, hereby stipulate and agree as follows, subject to entry of this Stipulation as an Order of the Court:

1. The parties desire a prompt and final resolution of their disputes, and to that end agree they shall conduct themselves so as to reach such a resolution as promptly and simply as possible consistent with this Stipulation and Order.

2. The parties agree to the terms of the Commerce Case management Program Protocols for Alternative Dispute Resolution Procedure Using Three Judge Panel and Common Law Arbitration (revised January 2008), which are incorporated herein by reference, a copy of which is attached to this Stipulation and Order.

3. The parties agree to submit their claims to binding, "Common Law Arbitration," subject to 42 Pa.C.S. § 7341, before \_\_\_\_\_ [names of Arbitrator(s)] pursuant to a binding Arbitration Agreement, a true and correct copy of which has been provided to the Court, and subject to the terms and conditions set forth below. The terms and conditions in this Stipulation and Order shall be controlling over the terms and conditions of the arbitration agreement.

4. All discovery shall be complete on or before \_\_\_\_\_, including, by agreement of the parties:

i. Interrogatories numbering no more than \_\_\_\_\_, each subpart constituting a separate interrogatory if it asks a new question;

ii. Requests for Production of Documents, numbering no more than \_\_\_\_\_;

iii. Depositions, numbering no more than \_\_\_\_ per party;

iv. Requests for Admissions, numbering no more than \_\_\_\_\_;

v. Expert Reports. The Expert Reports shall be served by the parties on the following dates:

Plaintiff's Report \_\_\_\_\_

Defendant's Report \_\_\_\_\_  
Plaintiff's Rebuttal Report \_\_\_\_\_  
Defendant's Rebuttal Report \_\_\_\_\_

b. The parties may mutually agree to further discovery, up to the time of the arbitration hearings, but this shall not be subject to enforcement by the Court, and shall not delay any of the dates set forth herein.

4. a. Each party shall submit its Brief to the Court on \_\_\_\_\_[date], and shall submit a Reply Brief on \_\_\_\_\_ [date] only if the Reply Brief includes new arguments not set forth in the party's initial Brief.

b. Each Brief may be no more than \_\_\_\_ pages, and each Reply Brief may be no more than \_\_\_\_ pages.

c. The parties shall submit to the Court an original and six (6) copies of any brief. All briefs shall be served by hand-delivery or express mail on opposing counsel on the same day that such briefs are filed with the Court.

5. Each party's Brief(s) shall address the following specific legal issues:

a. \_\_\_\_\_.

b. \_\_\_\_\_.

c. \_\_\_\_\_.

d. \_\_\_\_\_.

e. \_\_\_\_\_.

6. The legal issues set forth above are the sole legal issues submitted by the parties to the Court for the complete resolution of the parties' disputes, subject to the discretion of the Court to subsequently permit and/or include additional issues.

7. a. The legal issues set forth above shall be resolved by a Three Judge Panel consisting of [names of Judges], which shall issue a written Opinion deciding each issue, after consideration of the parties' Briefs, and oral argument if permitted and/or required by the Panel.

b. Oral argument in this matter is set for \_\_\_\_\_  
\_\_\_\_\_ (time, date and place).

8. In the event the matter is not settled, the arbitration hearings shall be convened within \_\_\_\_\_ (\_\_) days of the settlement conference.

9. The arbitration [shall/shall not] be subject to:  
The Pennsylvania Rules of Civil Procedure \_\_\_\_\_; and/or  
The Pennsylvania Rules of Evidence \_\_\_\_\_.
10. Counsel represent that they have obtained the consent of their respective clients to enter this Stipulation.
11. After receipt and execution by counsel for all parties, this Stipulation shall be submitted to Catherine Hart, the Court Administrative Office of the Commerce Case Management Program in Room 521 of City Hall, for final approval and entry as an Order of the Court by the Assigned Judge.

It is so Stipulated and Agreed:

\_\_\_\_\_  
Counsel Name/Address  
Attorney for Plaintiff

\_\_\_\_\_  
Counsel Name/Address  
Attorney for Defendant

It is so ORDERED, this \_\_\_\_\_ day of \_\_\_\_\_, 200\_.

\_\_\_\_\_  
J.