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## Allegheny County's Commerce and Complex Litigation Center

Local Rule 249(1), adopted December 18, 2007, created a Commerce and Complex Litigation Center. Judges Christine A. Ward and R. Stanton Wettick have been appointed to the Center.

The following is a Description of the Docket and Procedures of the Commerce and Complex Litigation Center prepared by Judges Ward and Wettick. This Description may be obtained at [www.alleghencourts.us](http://www.alleghencourts.us) by selecting civil and then by selecting commerce and complex litigation center:

### DESCRIPTION OF THE DOCKET AND PROCEDURES OF THE COMMERCE AND COMPLEX LITIGATION CENTER DATED NOVEMBER, 2007

#### ASSIGNMENT OF CASES

Cases shall be assigned to the Center only through (i) an order of court entered by Judge Ward or Judge Wettick or (ii) an order of court entered by the Administrative Judge or Calendar Control Judge of the Civil Division, after consulting with Judges Ward or Wettick. No case is assigned to the Center without a court order.

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.

Motions to assign a case to the Center will be presented to Judge Ward if preliminary injunctive relief or other relief requiring a prompt hearing is sought. Otherwise, these motions will be presented to Judge Wettick.

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.

#### Notes

Discovery disputes in Judge Wettick's cases should normally be presented at Friday motions.

The scheduling procedures and motions practice for cases assigned to Judge Ward will be addressed in an initial court order Judge Ward will enter.

#### 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.

#### Notes

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.

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.

### TYPES OF CASES THAT MAY BE ASSIGNED TO THE CENTER

#### INTRODUCTION

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.

#### C. 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:

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

#### Notes

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."

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