

**RULE 7. [Reserved]**

- Rule  
7.1. [Reserved].  
7.2. [Reserved].

**Rule 7.1. [Reserved].**

**Source**

The provisions of this Rule 7.1 amended December 20, 2000, effective January 1, 2001, 31 Pa.B. 7; reserved December 1, 2015, effective September 1, 2016, 45 Pa.B. 7098. Immediately preceding text appears at serial pages (272413) to (272414).

**Rule 7.2. [Reserved].**

**Source**

The provisions of this Rule 7.2 adopted December 20, 2000, effective January 1, 2001, 31 Pa.B. 7; reserved December 1, 2015, effective September 1, 2016, 45 Pa.B. 7098. Immediately preceding text appears at serial page (272415).

**CHAPTER VII. RULES RELATING TO PRE-HEARING AND HEARING PROCEDURE**

- Rule  
7.1. Depositions, Discovery, Production of Documents and Perpetuation of Testimony.  
7.2. Motion for Judgment on the Pleadings.  
7.3. Motion for Summary Judgment.  
7.4. Injunctions.

**Source**

The provisions of this Chapter VII adopted December 1, 2015, effective September 1, 2016, 45 Pa.B. 7098, unless otherwise noted.

**Rule 7.1. Depositions, Discovery, Production of Documents and Perpetuation of Testimony.**

The court, by local rule or order in a particular matter, may prescribe the practice relating to depositions, discovery, production of documents and perpetuation of testimony. To the extent not provided for by local rule or an order governing a particular matter, the practice relating to depositions, discovery, production of documents and perpetuation of testimony shall conform to the practice in the Trial or Civil Division of the local Court of Common Pleas.

**Note:** Rule 7.1 is identical to former Rule 3.6.

**Rule 7.2. Motion for Judgment on the Pleadings.**

After the relevant pleadings are closed, but within such time as not to unreasonably delay the hearing, any party may move for judgment on the pleadings. The court shall enter such judgment or order as shall be proper on the pleadings.

**Note:** Rule 7.2 has no counterpart in former Orphans' Court Rules, but is derived from Pa.R.C.P. No. 1034.

**Explanatory Comment:** The Official Note to Pa.R.C.P. No. 1034 is fully incorporated by reference herein, except that the court may, but is not required to, promulgate local rules governing the procedure for these motions.

**Rule 7.3. Motion for Summary Judgment.**

(a) After the relevant pleadings are closed, but within such time as not to unreasonably delay a hearing, any party may move for summary judgment in whole, or in part, as a matter of law in the manner set forth in Pa.R.C.P. Nos. 1035.1, 1035.2, and 1035.4.

(b) The party against whom the motion for summary judgment is filed shall respond in accordance with Pa.R.C.P. Nos. 1035.3(a)—(b) and 1035.4.

(c) The court shall rule upon the motion for summary judgment as provided in Pa.R.C.P. Nos. 1035.3(c)—(e) and 1035.5.

**Note:** Rule 7.3 has no counterpart in former Orphans' Court Rules, but is derived from Pa.R.C.P. No. 1035.1 *et seq.*

**Explanatory Comment:** The Notes, Official Note and Explanatory Comments to Pa.R.C.P. No. 1035.1 *et seq.* are incorporated by reference herein, except that the court may, but is not required to, promulgate local rules governing the procedure for these motions.

**Rule 7.4. Injunctions.**

Upon petition, the court may issue a preliminary, special, or permanent injunction in accordance with the rules and procedures provided in Pa.R.C.P. No. 1531.

**Note:** Rule 7.4 has no counterpart in former Orphans' Court Rules, but is derived from Pa.R.C.P. No. 1531.

**Explanatory Comment:** With the repeal of 20 Pa.C.S. § 772, the propriety of and procedure for obtaining an injunction in an Orphans' Court matter was uncertain. This Rule clarifies that an injunction may be requested and issued in this court. The procedure for requesting the issuance of an injunction shall conform to the practice set forth in Pa.R.C.P. No. 1531. The Notes and Explanatory Comments to Pa.R.C.P. No. 1531 are fully incorporated by reference herein.

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