

FILING PRELIMINARY OBJECTIONS

Filing Preliminary Objections is a three-step process: (1) writing your Preliminary Objections, (2) filing them, and (3) appearing before the judge to discuss them.

1 WRITING PRELIMINARY OBJECTIONS

Preliminary Objections have (in order) a cover page, body, a copy of the Plaintiff's complaint as an exhibit, order of court, and certificate of service. Blank forms for you to complete are attached.

COVER PAGE

The cover page is similar to the first page of the complaint that the Plaintiff filed against you. It will have two columns. You must write the names of the Plaintiff and Defendant in the left column. In the right column, you will write the case number, the title "Preliminary Objections" (beside type of pleading), check the box "Individual, If Pro Se", and write your name, address, and phone number.

BODY

The next pages of your Preliminary Objections will contain numbered paragraphs where you will explain what you believe is wrong with the Plaintiff's complaint. You should not write that the statements that the Plaintiff put in its Complaint are wrong or false. You should state that the Plaintiff failed to include certain documents with the Complaint that the Court requires.

You should begin by briefly stating that you have been sued by a credit card company. (You should not state whether you owe the money or the reasons why.)

You should state that you request the Court to dismiss the case because of the following checked reasons (Be sure to include all of the checked items, but only those items):

- The Plaintiff failed to attach all of the credit card statements that itemize the transactions that make up the total debt they are claiming.
- The Plaintiff failed to attach a copy of the "assignment," which is the document that proves that your particular credit card account was sold by your original credit card company to the Plaintiff.
- The Plaintiff failed to attach the credit card application.

- The Plaintiff failed to attach the credit card agreement.
- The Plaintiff's claims for interest at a specific rate, and specific amounts for late fees, over-the-limit fees, membership fees, and other fees are not listed in the attached customer agreement and should be stricken.
- The attorney for the Plaintiff signed the Complaint, instead of a representative of the Plaintiff.
- Other: _____

{Note: You should write the checked items into the body of your preliminary objections – Do not make a copy of this list.}

EXHIBIT

Attach a copy of the Plaintiff's complaint as an exhibit. Write "Exhibit A" at the bottom of the page.

ORDER OF COURT

The next page should be a proposed order in which you write, "Upon consideration of the foregoing Preliminary Objections filed by Defendant, Plaintiff's Complaint and this case are dismissed with prejudice." Then, leave a line for the judge to sign.

CERTIFICATE OF SERVICE

The last page should contain a statement called a "Certificate of Service," which states that you mailed the Plaintiff's attorney a copy of the Preliminary Objections. Complete the form by filling in the name and address of the Plaintiff's attorney and sign and date the Certificate of Service at the bottom. (The date must be the same date that you file the Preliminary Objections - See below.)

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FILING PRELIMINARY OBJECTIONS

First, go to the Department of Court Records, Civil Division of Allegheny County located in the City-County Building on Grant Street between Forbes and Fourth Avenues. Inform the staff that you intend to file Preliminary Objections shortly and cannot afford the filing fee. The staff will give you a blank in forma pauperis (IFP) petition to complete. You will be sent to see a judge to get permission to waive the filing fee.

Then, go to the Arbitration office in Room 702 on the 7th Floor of the City-County Building and ask to present Preliminary Objections to Judge Wettick. Bring your completed Preliminary Objections and two copies.

The arbitration office staff will schedule the Preliminary Objections to be heard by Judge Wettick. They will write on the front of your two copies the date, time and place for you to appear in the Judge's courtroom to discuss your Preliminary Objections. (It is usually on a Friday at 10:00am.) **You must be there at the specified date and time.**

Once you file your Preliminary Objections with the arbitration office, you must mail a copy to the attorney for the Plaintiff that same day.

3 **ARGUING PRELIMINARY OBJECTIONS**

Go to the courtroom at the date and time specified on the front of your Preliminary Objections.

When your case is called, go to the front of the courtroom and briefly tell the Judge what is in your Preliminary Objections. The Judge will tell you what his decision is and write it on the Order of Court attached to the Preliminary Objections. It is possible that he will give the Plaintiff additional time to fix the errors in the complaint. **If the Judge gives the Plaintiff more time, then you must ask the Judge to postpone the arbitration hearing.**

Depending on what the Judge does regarding your Preliminary Objections, you may be required to file other documents before the arbitration hearing.

If you need more information at that point, you should call our Intake Unit at (412) 255-6700.

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA
CIVIL DIVISION

Plaintiff(s)

vs.

Defendant(s)

CASE NUMBER: _____

TYPE OF PLEADING: _____

CODE AND CLASSIFICATION: _____

FILED ON BEHALF OF: _____

(Name of party-indicate Plaintiff or
Defendant)

NAME, ADDRESS, AND TELEPHONE OF:

Counsel of Record

Individual, If Pro Se

Phone #: _____

Attorney State ID#: _____

Law Firm ID#: _____

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA
CIVIL DIVISION

CASE NUMBER: _____

Plaintiff(s)

vs.

Defendant(s)

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA
CIVIL DIVISION

CASE NUMBER: _____

_____ Plaintiff(s)

vs.

_____ Defendant(s)

Order of Court

And Now, to-wit, this _____ day of _____, 20_____,

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the within was served this day by
U.S. First Class Mail, postage pre-paid, upon the following:

Date

(Name)