

Rule 1036.1. Reinstatement of Claim Dismissed Upon Affidavit of Noninvolvement

(a) As used in this rule, “action” shall have the meaning as provided in Rule 1036(a).

(b) If a party has been dismissed from an action upon an affidavit of noninvolvement pursuant to Rule 1036, any other party may file a motion to reinstate the dismissed party setting forth facts showing that statements made in the affidavit of noninvolvement were false or inaccurate.

(c) Any party may file a response.

(d) Upon reviewing the motion and any response thereto and determining the existence of a *prima facie* case of involvement of the dismissed party, the court shall enter an order

(1) allowing any party

(i) to conduct limited discovery directed solely to the issue of the involvement of the party which was dismissed.

(ii) prior to the disposition of the motion, to file affidavits, depositions and such other evidentiary materials as would permit a jury to find that any party which was dismissed was involved in any activities upon which the claim is based, and

(2) scheduling an argument to decide the motion.

(e) The argument shall be limited to the sole issue of whether the moving party has produced evidence which, when considered in a light most favorable to that party, would require the issue of the involvement of any party which was dismissed to be submitted to a jury.