

**IN THE
SUPREME COURT OF PENNSYLVANIA**

IN RE: Amendment of Rule of Civil	:	NO. 338
Procedure 4020 Governing Use of	:	CIVIL PROCEDURAL RULES
Depositions at Trial	:	DOCKET NO. 5

ORDER

PER CURIAM:

AND NOW, this 28th day of November, 2000, Pennsylvania Rule of Civil Procedure 4020 is amended to read as attached hereto.

Whereas prior distribution and publication of the amendments would otherwise be required, it has been determined that immediate promulgation of the amendments is required in the interest of justice and efficient administration.

This order shall be processed in accordance with Pa.R.J.A. 103(b) and shall be effective January 1, 2001.

NOTE: Underscored material is added.
Bracketed material is deleted.

Rule 4020. Use of Depositions at Trial

(a) At the trial, any part or all of a deposition, so far as admissible under the rules of evidence, may be used against any party who was present or represented at the taking of the deposition or who had notice thereof if required, in accordance with any one of the following provisions:

(1) Any deposition may be used by any party for the purpose of contradicting or impeaching the testimony of a deponent as a witness, or as permitted by the Pennsylvania Rules of Evidence.

(4) If only part of a deposition is offered in evidence by a party, any other party may require the offering party to introduce all of it which is relevant to the part introduced, and any party may introduce any other parts.

NOTE: See the Pennsylvania Rules of Evidence for a broader statement of this rule.

(b) Substitution of parties does not affect the right to use depositions previously taken; and, when an action has been dismissed and another action involving the same subject is afterward brought between the same parties or their representatives or successors in interest, all depositions lawfully taken in the former action may be used in the latter as if originally taken therein. A deposition previously taken may also be used as permitted by the Pennsylvania Rules of Evidence.

Explanatory Comment

Rule 4020 has been amended to accommodate the Pennsylvania Rules of Evidence. The amendment effects no change in practice or procedure.

By the Civil Procedural
Rules Committee

Rea Boylan Thomas
Chair