

**IN THE
SUPREME COURT OF PENNSYLVANIA**

IN RE: Technical Amendment of	:	No. 311
Rules of Civil Procedure 1501 –	:	Civil Procedural Rules
2984	:	Docket No. 5

ORDER

PER CURIAM:

AND NOW, this 12th day of April, 1999, the Pennsylvania Rules of Civil Procedure are amended as follows:

Rules 1501, 1503, 1505, 1506, 1507, 1508, 1515, 1517, 1529, 1530, 1531, 1533, 1534, 1555, 1559, 1566, 1569, 1572, 1573, 1576, 1654, 1656, 1659, 1707, 1711, 2002, 2004, 2026, 2027, 2028, 2030, 2031, 2032, 2034, 2036, 2037, 2130, 2133, 2203, 2204, 2206, 2227, 2229, 2231, 2232, 2252, 2255, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2316, 2327, 2328, 2330, 2351, 2352, 2354, 2984, are amended to read as attached hereto.

This Order shall be processed in accordance with Pa.R.J.A. 103(b) and shall be effective July 1, 1999.

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

Rule 1501. Conformity to Civil Action

NOTE: In addition to the rules expressly [regulating the action of assumpsit] governing the civil action, Rules 1001 to [1037] 1038.2, 1351 and 1361, the following rules apply to all actions at law and in equity:

Business of courts, Rules 201 to 250;

Actions by real parties in interest, Rules 2001 to 2025;

Minors as parties, Rules 2026 to 2050;

[Incompetents] Incapacitated persons as parties, Rules 2051 to 2075;

Rule 1503. Venue

(a) Except as otherwise provided by an Act of Assembly, Rule of the Supreme Court or by Subdivision (b), (c) or (d), an action may be brought only in a county in which

(1) ***

(2) ***

but a judgment, order or decree shall not bind a defendant personally unless [he] the defendant is served within the county, or within the Commonwealth in conformity with Rule 1504(b), or unless [he] the defendant appears or otherwise submits [himself] to the jurisdiction of the court.

Rule 1505. Defendant Not Served

A defendant who has not been served may be served at any time during the pendency of the action provided the writ or complaint has been reissued or reinstated as to [him] that defendant within thirty [(30)] days preceding service.

Rule 1506. Stockholder's Derivative Action

(a) In an action to enforce a secondary right brought by one or more stockholders or members of a corporation or similar entity because the corporation or entity refuses or fails to enforce rights which could be asserted by it, the complaint shall set forth: ***

(3) either

(i) that each plaintiff was a stockholder or owner of an interest in the corporation or other entity at the time of the transaction of which [he] the plaintiff complains or that [his] the plaintiff's stock or interest devolved upon [him] the plaintiff by operation of law from a person who was a stockholder or owner at that time, or

(ii) ***

NOTE: ***

**Rule 1507. Specific Averments. Possible Persons Interested in Property.
Appointment of a Representative**

When a person interested in property which is the subject of an action should be made a party but [his] the person's name or interest in the property cannot be ascertained and [he] the person is not represented in the action, the plaintiff or defendant may so aver in [his] the complaint or answer. The court shall require that appropriate notice be given such person by advertisement or in such manner as the court by local rule or special order shall direct. If appropriate notice cannot be given or if the person does not appear after notice is given, the court may appoint a trustee or guardian ad litem to represent [him] the person and the decree entered in the action shall bind [his] the person's interest in the property.

Rule 1508. Pleading More than One Cause of Action

The plaintiff may state in [his] the complaint two or more causes of action cognizable in equity.

NOTE: ***

Rule 1515. Accountants and Experts

In actions involving complicated accounts, or questions requiring the evidence of experts, the court may employ an accountant or other expert to aid in the proper disposition of the action. The report or evidence of such accountant or

other expert shall be available to any party and [he] the accountant or other expert shall be subject to examination or cross-examination by any party. [He] The accountant or other expert shall be paid reasonable compensation for [his] services rendered.

Rule 1517. The Adjudication. Notice

NOTE: See [Supreme Court Rule 78] Rule of Judicial Administration 703 which requires a report to the [Supreme Court] Court Administrator of Pennsylvania of all matters undisposed of for [60] ninety days or more [after having been submitted.] as of the last day of the reporting period.

Rule 1529. Enforcement of Orders. Execution Process

(a) Execution process available in actions at law may be used in actions in equity where appropriate. A party entitled to subrogation against another party shall be entitled to execution process to enforce [his] this right.

(b) Where appropriate, the court may order the prothonotary or sheriff to perform any act which a party fails to perform within the time specified by the order or decree. The designated officer shall act in the name of and for the delinquent party and with the same effect as though the act were performed by [him] the delinquent party. The court may order the recording or registration of any document thus executed and tax the costs against the delinquent party.

(c) A party who fails to comply with a decree may be arrested by attachment and [his] the property of the delinquent party sequestered. If arrested, [he] the delinquent party may, upon furnishing such bail as the court shall require, be conditionally released for the purpose of performing the decree. The attachment and sequestration shall not be dissolved until the decree has been performed and the costs of the action paid.

NOTE: See Rule 3250 imposing limitations upon the right of arrest.

Rule 1530. Special Relief. Accounting

(c) Each party shall be served with a copy of the account in the same manner as a pleading. Exceptions may be filed to the account within twenty [(20)] days after service.

(e) The auditor shall file a report, to which exceptions may be filed within twenty [(20)] days. ***

Rule 1531. Special Relief. Injunctions

(d) An injunction granted without notice to the defendant shall be deemed dissolved unless a hearing on the continuance of the injunction is held within five

[(5)] days after the granting of the injunction or within such other time as the parties may agree or as the court upon cause shown shall direct.

NOTE: ***

(f)(1) When a preliminary or special injunction involving freedom of expression is issued, either without notice or after notice and hearing, the court shall hold a final hearing within three [(3)] days after demand by the defendant. A final decree shall be filed in the office of the prothonotary within twenty-four [(24)] hours after the close of the hearing. If the final hearing is not held within the three [(3)] day period, or if the final decree is not filed within twenty-four [(24)] hours after the close of the hearing, the injunction shall be deemed dissolved.

NOTE: The three [(3)] day period is the maximum time. In particular cases a shorter period may be required. The equity side of the Court is always open. See Rule 1502.

(2) ***

(3) The trial judge shall file a written memorandum supporting the final decree within five [(5)] days after it is filed.

Rule 1533. Special Relief. Receivers

(b) No officer of a corporation or member of a partnership shall be appointed sole temporary receiver of the property of the corporation or partnership but, after hearing, [he] an officer or member may be appointed sole permanent receiver.

(c) The court may refuse to appoint a receiver for property and may permit the person in possession to retain it if [he] the person gives such security as the court shall direct. The court may remove a receiver and restore the property to the person from whom it was taken if [he] the person gives such security as may be required.

(d) Except as otherwise provided by an Act of Assembly, a receiver, whether temporary or permanent, must give such security for the faithful performance of [his] the receiver's duty as the court shall direct. A receiver shall not act until he or she has given the security required.

NOTE: ***

Rule 1534. Accounting by Fiduciaries

(a) Except as otherwise provided by an Act of Assembly, [when] a receiver, assignee or other fiduciary [files his] filing an account [he] shall give notice of [his] the intention to apply for confirmation thereof on the date fixed by the court by local rule or special order. The notice shall also set forth that the account may be confirmed and distribution ordered unless exceptions are filed with the prothonotary before that date.

Rule 1555. Pleading More than One Cause of Action

(a) The plaintiff may state in the complaint causes of action for the partition of all or any part of any properties in which [he] the plaintiff and the defendants are co-tenants, irrespective of their location in the Commonwealth or of the proportion of the plaintiff's interest in the several properties.

Rule 1559. Master. Hearing

[If the court appoints a] A master [he] who is appointed by the court shall make such examinations and hold such hearings as may be necessary, giving reasonable notice thereof. [He] The master may employ appraisers and, with the authorization of the court, such other experts as are necessary to enable [him] the master to perform his or her duties.

Rule 1566. Preliminary Determination. Notice to Accept or Reject. Private Sale Confined to the Parties

(a) ***

(b)(1) The notice in the case of proposed partition under Rule 1560(b) or (c) shall require the parties within twenty [(20)] days after service thereof to accept or reject the proposed plan of allocation. The notice in the case of inability to partition shall state that the property will be sold unless objection is made as provided in Rule 1563(b).

(c) If any party rejects the proposed allotment of the purparts or if no objection is made to a sale under Rule 1563, the property shall be offered for private sale by open bidding confined to the parties to be held upon not less than twenty [(20)] days' notice.

Rule 1569. Master's Report. Exceptions

(a) [If the court appoints a] A master [he] who is appointed by the court shall file a report with respect to the matters submitted [to him]. The report shall follow the form of adjudication in Rule 1570, insofar as the scope of the reference to the master permits.

(b) The master shall give all persons in interest written notice of the date on which he or she intends to file [his] the report and proposed decree and shall specify an address within the county where they may be examined. The master may change [his] the report and proposed decree as he or she deems proper before filing them, but if any changes are made written notice thereof shall be given to all parties.

Rule 1572. Sale Not Confined to Parties

(c) [If the] A purchaser who is a party or a lien holder whose lien is discharged by the sale [he] shall be allowed a credit equal to the amount of his or

her distributive interest in the purchase price, less any charges assessed against him or her. The excess of the bid shall be paid in cash.

Rule 1573. Return of Sale and Schedule of Distribution

(a) Where the sale has been conducted by a master [he], the master shall promptly file with the prothonotary a return of sale together with a proposed decree which shall

(b) The master shall give all persons in interest written notice of the date on which he or she intends to file [his] the return of sale and proposed decree and shall specify an address within the county where they may be examined. The master may change [his] the return of sale and proposed decree as he or she deems proper before filing them, but if any changes are made written notice thereof shall be given to all parties.

Rule 1576. Remedies in Pending Actions

(a) In any action at law or in equity, on petition of any party setting forth facts entitling [him] the party to such relief, the court may, at any time before or after judgment, in accordance with Rule 1531(a), [1531](c), [1531](d) and [1531](e), and upon such terms and conditions, including the filing of security, as it may fix, issue

an injunction pendente lite to restrain waste of real property which is a subject of the action.

NOTE: ***

Rule 1654. Defendant

(a) The plaintiff shall name as defendant the owner[,] named in the claim and the owner, if known, at the time the action is commenced.

(b) If the last owner of record prior to the commencement of the action has died, the plaintiff shall name as a defendant [his] the personal representative, heir or devisee of such owner, if known.

NOTE: ***

Rule 1656. The Complaint

The plaintiff shall set forth in the complaint

(1) ***

(2) the court[, term,] and number and the date of the filing of the claim and a copy thereof as an exhibit;

(3) ***

Rule 1659. Compelling Commencement of Action

If a claimant has filed a claim and does not file a complaint, the prothonotary, upon praecipe of an owner, shall enter a rule as of course upon the claimant to file a complaint within twenty [(20)] days after service of the rule, or be forever barred from so doing. If the claimant fails to do so, the prothonotary, upon praecipe of the owner and proof of service, shall enter judgment for the defendant.

Rule 1707. Motion for Certification of Class Action. Time for Filing. Hearing

(a) Within thirty [(30)] days after the pleadings are closed or within thirty [(30)] days after the last required pleading was due, the plaintiff shall move that the action be certified as a class action. The court may extend the time for cause shown. If the plaintiff fails to move for certification, the court if so notified shall promptly set a date for a certification hearing.

Rule 1711. The Plaintiff Class. Exclusion. Inclusion

(a) ***

(b) If the court finds that

(1) ***

(2) ***

the court may state in its order that [no] a person shall not be a member of the plaintiff class or subclass unless by a specified date [he] the person files of record a written election to be included in the class or subclass.

Rule 2002. Prosecution of Actions by Real Parties in Interest. Exceptions

(a) ***

(b) A plaintiff may sue in his or her own name without joining as plaintiff or use- plaintiff any person beneficially interested when such plaintiff

(1) is acting in a fiduciary or representative capacity, which capacity is disclosed in the caption and in the plaintiff's initial pleading; or

(2) is a person with whom or in whose name a contract has been made for the benefit of another.

Rule 2004. Transfer of Interest in Pending Action

If a plaintiff has commenced an action in his or her own name and thereafter transfers [his] the interest therein, in whole or in part, the action may continue in the name of the original plaintiff, or upon petition of the original plaintiff or of the transferee or of any other party in interest in the action, the court may direct the transferee to be substituted as plaintiff or joined with the original plaintiff.

Rule 2026. Definitions

"guardian", except where the context otherwise indicates, means the party representing the interest of a minor party in any action, whether [he is] as (a) the guardian of a minor appointed by any court of competent jurisdiction, (b) a person in the nature of a next friend selected to represent a minor plaintiff in an action, or (c) a guardian ad litem specially appointed by the court in which the action is pending;

NOTE: A testamentary guardian is not included as such within the above definition of guardian. A testamentary guardian may, however, obtain the right to represent the minor in litigation, not in [his] the capacity as testamentary guardian, but by qualifying as a guardian within the above definition either by selection under clause (b) or appointment under clause (c).

Rule 2027. Guardian to Represent Minor

When a [minor is] party to an action, [he] a minor shall be represented by a guardian who shall supervise and control the conduct of the action in behalf of the minor.

Rule 2028. Actions by and against Minors. Averments in Plaintiff's Pleading

(a) An action in which a minor is plaintiff shall be entitled "A, a Minor, by B, [his] Guardian", against the party defendant.

NOTE: Under the above rule, the representative of a minor plaintiff is termed a "guardian" regardless of whether under prior practice he or she would be termed a legal guardian or a next friend.

(b) The initial pleading filed in behalf of a minor plaintiff shall state the name and address of his or her guardian and [his] the guardian's relationship, if any, to the subject matter of the action or to any of the parties thereto. In case the person selected as guardian is a guardian appointed by any court of competent jurisdiction or by a will duly probated, the initial pleading shall contain a reference to the record of the appointment.

(c) An action in which a minor is the defendant shall be commenced against the minor by name in the manner in which a like action is commenced against an adult.

NOTE: An action against a minor is begun in the same manner as an action against an adult, although by Rule 2034, *infra*, as under prior practice, the subsequent appointment of a guardian to represent the minor is essential to the rendition of a valid judgment against [him] the minor.

Rule 2030. Setoffs and Counterclaims

In an action brought on behalf of a minor the defendant may assert any setoff or counterclaim which [he] the defendant has against the minor.

NOTE: ***

Rule 2031. Selection and Appointment of Guardians

(a) A minor plaintiff may select [his] a guardian, but such selection shall not bar the court from removing the guardian for cause in accordance with these rules.

(b) If a minor party to an action is not represented, the court shall appoint a guardian for [him] the minor either upon its own motion or upon the petition of (1) the minor party, (2) a guardian of the minor appointed by any court of competent jurisdiction, or by a will duly probated, (3) any relative of the minor, or (4) any other party to the action.

(c) The petition shall state the name and address of the person proposed as guardian, and [his] the guardian's relationship, if any, to the subject matter of the action or to any of the parties thereto. In case the person proposed as guardian is a guardian appointed by any court of competent jurisdiction or by a will duly probated, the petition shall contain a reference to the record of such appointment.

Rule 2032. Affidavit as to Age

A party to an action may file and serve on any other party thereto a rule as of course to file of record an affidavit setting forth whether [he] the other party is an adult or a minor.

Rule 2034. Procedure When Minority of a Party is Ascertained

(c) If the appointment of a guardian is made during the trial, the court may grant a continuance to enable the guardian properly to present the minor's case. The court may refuse a continuance if the minor has previously filed an affidavit asserting his or her majority.

Rule 2036. Affidavits by Minors

Affidavits which are required to be made by a party to an action, including affidavits to the pleadings, may be made by a minor if [he] the minor has sufficient mental capacity to understand the contents of the paper to which the affidavit is made and to appear in court as a witness. If the minor lacks such capacity, such affidavits shall be made by any competent person having knowledge or information as to the facts averred therein and shall state the reason for the minor's lack of capacity to make such affidavit.

Rule 2037. Minor Becoming of Age During Pendency of Action

(a) When a minor reaches majority during the pendency of the action, the minor or [his] the minor's guardian may have the record amended to remove the name of the guardian.

(b) ***

Rule 2130. Venue

(a) ***

(b) Except as otherwise provided by subdivision (c) of this rule, an action against a liquidator may be brought in and only in a county where the liquidator is liquidating the partnership business or in which the partnership last regularly conducted business, or in the county where the cause of action arose or in a county where a transaction or occurrence took place out of which the cause of action arose. This rule shall not apply to an action against a liquidator deriving [his] authority under the laws of the United States.

(c) ***

Rule 2133. Indexing of Judgments

(c) A judgment against an individual partner shall be indexed against [him] the partner as an individual.

Rule 2203. Procedure to Remove Plaintiff

NOTE: This rule has the effect of making the plaintiff in the wrongful death action accountable to the court in which the action is brought for his or her conduct therein. In addition, it permits the parties beneficially interested in the damages recovered in the action to exercise some supervisory control over the conduct of the action by enabling them to obtain the assistance of the court if the action is not properly conducted on their behalf.

Rule 2204. Averments in Plaintiff's Pleading

In addition to all other facts required to be pleaded, the initial pleading of the plaintiff in an action for wrongful death shall state the plaintiff's relationship to the decedent, [his] the plaintiff's right to bring the action, the names and last known residence addresses of all persons entitled by law to recover damages, their relationship to the decedent and that the action was brought in their behalf.

Rule 2206. Settlement, Compromise, Discontinuance and Judgment

(a) ***

(b) ***

(4) If the minor or the incapacitated person has no such guardian, and none is to be appointed, the court may order

(i) *** Every such order shall contain a provision that no withdrawal can be made from any such account until the minor attains [his] majority or unless the incapacitated person is adjudicated to have capacity, except as authorized by a prior order of the court. Proof of the deposit shall be promptly filed of record;

NOTE: ***

Rule 2227. Compulsory Joinder

(a) ***

(b) If a person who must be joined as a plaintiff refuses to join, he or she shall, in a proper case, be made a defendant or an involuntary plaintiff when the substantive law permits such involuntary joinder.

Rule 2229. Permissive Joinder

(a) ***

(b) A plaintiff may join as defendants persons against whom [he] the plaintiff asserts any right to relief jointly, severally, separately or in the alternative, in respect of or arising out of the same transaction, occurrence, or series of transactions or occurrences if any common question of law or fact affecting the liabilities of all such persons will arise in the action.

(c) ***

(d) A [person] plaintiff who asserts a cause of action ex contractu may join as defendants all or any one or more persons alleged to be liable to [him] the plaintiff on or by reason of the breach of the contractual obligation sued upon, regardless of the capacities in which such persons are respectively liable or whether they are primarily or secondarily liable or whether their liabilities arise from the same or separate acts or undertakings; but where the liability of any defendant is solely joint, the plaintiff shall join all other persons jointly liable with such defendant.

(e) ***

Rule 2231. Effect of Joinder. Practice in General

(e) If two or more defendants are joined under Rule 2229(d), the plaintiff shall not be permitted to discontinue or enter a nolle prosequi or a voluntary nonsuit as to any defendant primarily liable to [him] the plaintiff unless [he] the plaintiff also does so as to all defendants secondarily liable to [him] the plaintiff for the default of such defendant

Rule 2232. Defective Joinder. Change of Parties

(a) ***

(b) Joinder of unnecessary parties is not ground for dismissal of an action. After notice to all other parties, a party may be dropped by order of the court whenever [he] the party has been misjoined or no claim for relief is asserted against [him] the party in the action by any other party.

(c) At any stage of an action, the court may order the joinder of any additional person who could have joined or who could have been joined in the action and may stay all proceedings until such person has been joined. The court in its discretion may proceed in the action although such person has not been made a party if jurisdiction over [him] the person cannot be obtained and [he] the person is not an indispensable party to the action.

Rule 2252. Right to Join Additional Defendants

(a) ***

(b) If the person sought to be joined is not a party to the action the joining party may file as of course a praecipe for a writ or a complaint.

(1) If the joinder is by writ the joining party shall file [his] a complaint within twenty days from the filing of the praecipe for the writ. If the joining party fails to file [his] the complaint within the required time, the plaintiff or the additional defendant joined may seek a rule to file the complaint and an

eventual judgment of non pros in the manner provided by Rule 1037(a) for failure to file a complaint.

(2) ***

NOTE: ***

(c) The writ to join an additional defendant shall be directed to [him] the additional defendant and shall be substantially in the following form:

(d) If the person sought to be joined is a party, the joining party shall, without moving for severance or the filing of a praecipe for a writ or a complaint, assert in [his] the answer as new matter that such party is alone liable to the plaintiff or liable over to the joining party or jointly or severally liable to the plaintiff or liable to the joining party directly setting forth the ground therefor. The case shall proceed thereafter as if such party had been joined by a writ or a complaint.

Rule 2255. Procedure

(a) ***

(b) No pleadings shall be filed between the additional defendant and any party other than the one joining [him] the additional defendant except that the additional defendant may file a counterclaim against the plaintiff.

(c) No judgment on the pleadings may be entered in favor of any party against an additional defendant for failure to answer the complaint of the party joining [him] the additional defendant, but all allegations of fact in such complaint to

which an answer is required and which are not sufficiently answered shall be conclusive upon the additional defendant.

(d) The plaintiff shall recover from an additional defendant found liable to [him] the plaintiff alone or jointly with the defendant as though such additional defendant had been joined as a defendant and duly served and the initial pleading of the plaintiff had averred such liability.

Rule 2303. Allegations Required in Petition. Stay of Proceedings

(a) The petition for interpleader shall allege

(3) the interest, if any, which the defendant claims in the money or property in controversy and whether [he] the defendant is able (or if not, the reasons therefor) to pay or deliver that part of the money or property as to which he or she claims no interest into court or to such person as the court may direct.

(4) whether [he] the defendant has admitted the claim of, or subjected himself or herself to independent liability to, the plaintiff or any claimant in respect to the subject matter of the action.

Rule 2304. Order of Court

The petition shall be accompanied by a form of order of the court substantially as follows:

(Caption of the Action)

Commonwealth of Pennsylvania

Now, this _____ day of _____ [A.D.], _____, the petition of _____ (insert name of party seeking interpleader) is granted and _____ (insert name of the claimant not a party to the action) is added to the record as a party plaintiff and enjoined from commencing or further prosecuting any action in any court against _____ (the petitioner) to enforce in whole or in part any claim against [him] the petitioner set forth in said petition, except as a party to the above entitled action.

Now, therefore, we command you, the Sheriff of the County of _____ to direct the claimant, _____ (insert name and address of the claimant [and his address]) to file in the above entitled action in the office of the _____ (insert title of officer and court) a complaint within twenty days after being served with copies of the petition for interpleader and this order and all pleadings heretofore filed in the above entitled action if said service was made within your county, or within thirty days of said service if said service was made within any other county of this Commonwealth.

By the court

_____, J.

Rule 2305. Service on and Answer of Plaintiff

(a) A copy of the petition shall be served upon the plaintiff or [his] the plaintiff's attorney.

(b) The plaintiff's answer, if any, to the petition shall be filed within twenty days of such service and a copy thereof shall be served upon the defendant or [his] the defendant's attorney.

Rule 2306. Action of Court on Petition

(a) The court shall direct an interpleader if the petition is in conformity with these rules and the allegations thereof are established either by proof or by the failure of the plaintiff to file a sufficient answer; but the court may deny the petition if the defendant

(1) has unreasonably delayed in filing the petition, or

(2) has admitted the claim of, or subjected himself or herself to independent liability to, the plaintiff or any claimant, with knowledge that an inconsistent claim would be later asserted against him or her by any known or unknown person.

(b) ***

(c) The court shall not deny the petition merely because

(1) the defendant has an interest in the action or asserts that he or she is not liable in whole or in part to any or all of the claimants and the plaintiff;

Rule 2307. Order for Payment, Delivery or Sale of Property. Effect of Compliance Therewith

(a) ***

(b) When the defendant has complied with such order, the court shall enter an order discharging [him] the defendant of all liability to the plaintiff and to any interpleaded claimant who has been served as required by these rules in respect to the money or property so paid or delivered. If the defendant has disclaimed all interest in the action the court in its order shall also discharge [him] the defendant from all liability for any costs accruing after the entry of the order and shall allow [him] the defendant the costs incurred by him or her in the action, to be paid from such money or property in the first instance and taxed as costs in the action.

(c) ***

Rule 2308. Service of Process on Interpleaded Claimants

(a) ***

(b) A copy of such order shall be served upon the plaintiff or [his] the plaintiff's attorney.

Rule 2309. Claimant's Statement of Claim. Service Thereof

(a) Within the time required by the order, each claimant interpleaded shall file a statement of [his] claim against the defendant and any money or property paid or delivered by said defendant pursuant to an order of the court.

(b) ***

(c) Following the allegations relating to [his] the claim against the defendant, the interpleaded claimant may include in his or her statement, under the heading of "Additional Matter" any allegations relevant to the claim of any other claimant or party.

(d) A copy of the statement shall be served upon the plaintiff, and any other interpleaded claimant and upon the defendant if [he] the defendant has not disclaimed all interest in the action.

Rule 2310. Answers by Defendant, Plaintiff and Other Claimants

(a) [The] A defendant, [if he] who has not disclaimed all interest in the action, may within twenty days after service of a claimant's statement, file [his] an answer thereto, except to any "Additional Matter" thereof.

Rule 2316. Recovery of Property and Execution

The party to the interpleader ultimately found entitled to recover shall be entitled to payment or delivery of money or property awarded [him] under Rule 2315 and to execution upon any judgment entered in his or her favor against any party to the interpleader although an interpleaded claimant has not been served as required by Rule 2308.

Rule 2327. Who May Intervene

At any time during the pendency of an action, a person not a party thereto shall be permitted to intervene therein, subject to these rules if

(4) the determination of such action may affect any legally enforceable interest of such person whether or not [he] such person may be bound by a judgment in the action.

Rule 2328. Petition to Intervene

(a) Application for leave to intervene shall be made by a petition in the form of and verified in the manner of a plaintiff's initial pleading in a civil action, setting forth the ground on which intervention is sought and a statement of the relief or the defense which the petitioner desires to demand or assert. The petitioner shall attach to the petition a copy of any pleading which [he] the petitioner will file in the

action if permitted to intervene or shall state in the petition that [he] the petitioner adopts by reference in whole or in part certain named pleadings or parts of pleadings already filed in the action.

(b) ***

Rule 2330. Practice

(a) ***

(b) Any party to the action may amend any pleading filed by [him] the party to include any claim or defense available against an intervening party.

Rule 2351. Definitions

NOTE: See Rule 2004 governing the substitution of a person to whom a voluntary transfer is made. See also the following rules governing the removal of a particular party and substitution of a successor: Rule 2033 [Minors as Parties] (guardian of a minor), Rule 2060 [Incompetents as Parties, governing the removal of an ad litem fiduciary and the substitution of a successor] (guardian ad litem of an incapacitated person) and Rule 2203 [governing the removal and substitution of plaintiffs in an action for wrongful death] (plaintiffs in an action for wrongful death).

Rule 2352. Substitution of Successor

(a) ***

(b) If the successor does not voluntarily become a party, the prothonotary, upon praecipe of an adverse party setting forth the material facts shall enter a rule upon the successor to show cause why [he] the successor should not be substituted as a party.

Rule 2354. Status of Successor. Continuance

If the successor voluntarily becomes a party to the action or the rule is made absolute, [he] the successor shall have all the rights and liabilities of a party to the action. The court may order such continuances and extensions as may be necessary to afford [him] the successor a reasonable opportunity to appear and prosecute or defend the action.

Rule 2984. Complaint

The complaint shall include:

(1) the names of the parties to the confessed judgment which is the subject matter of the action and the court[, term] and number, and the date and amount thereof;

Explanatory Comment

The 1999 technical amendments to the rules of civil procedure accomplish three purposes. First, the rules are made gender neutral. For example, rules which contained references to "he" have been revised by substituting the phrase "he or she" or by replacing the pronoun with the original noun, e.g., "the deponent".

Second, there are a few rules containing forms which are revised by eliminating the date reference to the 1900's in light of the turn of the century. For example, the form of order contained in Rule 206.5 governing petitions formerly began, "AND NOW, this ____ day of _____, 199_...". The form is amended by substituting a blank line in place of "199_".

Third, the rules have been inconsistent in the use of a word or a word and numeral to represent a number. For example, one rule might refer to "ten days" while another rule referred to "ten (10)" days. The rules are revised to use numerical representation by word only, e.g., "ten days". The use of a word and numeral remains only in forms such as the notice to plead prescribed by Rule 1361 which directs a party to file a response "within twenty (20) days from service hereof...."

By the Civil Procedural
Rules Committee

Edwin L. Klett
Chair