

Rule 227.4. Entry of Judgment upon Praecept of a Party

In addition to the provisions of any Rule of Civil Procedure or Act of Assembly authorizing the prothonotary to enter judgment upon praecipe of a party and except as otherwise provided by Rule 1042.72(e)(3), the prothonotary shall, upon praecipe of a party:

- (1) enter judgment upon the verdict of a jury or the decision of a judge following a trial without jury, if
 - (a) no timely post-trial motion is filed; or
 - (b) one or more timely post-trial motions are filed and the court does not enter an order disposing of all motions within one hundred twenty days after the filing of the first motion. A judgment entered pursuant to this subparagraph shall be final as to all parties and all issues and shall not be subject to reconsideration; or

NOTE: If a motion for delay damages has been filed, judgment may not be entered until that motion is decided or otherwise resolved. See Rule 238(c)(3)(i).

Rule 1042.72(e)(3) prohibits the entry of judgment in a medical professional liability action if a motion for post-trial relief under Rule 227.1 is pending with respect to the ground that a damage award for noneconomic loss is excessive.

- (2) enter judgment when a court grants or denies relief but does not itself enter judgment or order the prothonotary to do so.

NOTE: See Rule 236 requiring the prothonotary to give notice of the entry of an order or judgment and Rule 237 requiring

notice of filing of praecipe for judgment. For illustrative Rules of Civil Procedure specifically authorizing entry of judgment by the prothonotary on praecipe of a party, see Rules 1037, [1511(a),] 1659, 3031(a), and 3146.

Rule 1042.72. Medical Professional Liability Actions. Motion for Post-Trial Relief. Excessive Damage Award for Noneconomic Loss

(a) In a medical professional liability action in which the trier of fact has made separate findings specifying the amount of noneconomic loss, any defendant may include in a motion for post-trial relief under Rule 227.1 the ground that the damage award for noneconomic loss is excessive.

NOTE: A damage award for noneconomic loss does not include amounts awarded for medical and other related expenses, loss of earnings or earning capacity, or punitive damages.

(b) A damage award is excessive if it deviates substantially from what could be reasonable compensation. In deciding whether the award deviates substantially from what could be considered reasonable compensation, the court shall consider (1) the evidence supporting the plaintiff's claim; (2) factors that should have been taken into account in making the award; and (3) whether the damage award, when assessed against the evidentiary record, strongly suggests that the trier of fact was influenced by passion or prejudice.

NOTE: The defendant has the burden of convincing the court that the award deviates substantially from what could be reasonable compensation.

The factors that the trier of fact should take into account are those set forth in the jury instructions described in Rule 223.3.

(c) If the court finds that the damage award for noneconomic loss is excessive, the court shall remit the award. If the plaintiff declines to accept the award as remitted, the court shall grant a new trial limited to a damage award for noneconomic loss. The verdict or decision as to liability, economic damages, and punitive damages shall not be set aside under this rule.

(d) The court in granting or denying the motion shall issue an opinion which discusses the evidence and the factors taken into account in making its decision.

(e)(1) The court shall enter an order disposing of a motion, or portion thereof, raising the ground of an excessive damage award for noneconomic loss within one hundred twenty days of the filing of the motion.

(2) If an order has not been entered as required by subdivision (e)(1), the judge who is deciding the motion shall immediately file a report with the Court Administrator of Pennsylvania and his or her president judge which explains why the motion, or portion thereof, has not been decided and when a decision is anticipated.

(3) A judgment may not be entered pursuant to Rule 227.4 if a motion for post-trial relief is pending with respect to the ground that the damage award for noneconomic loss is excessive.

(f) This rule shall expire five years from its promulgation date unless continued by order of the Supreme Court.

(g) This rule shall apply to all cases for which a verdict or decision has not been rendered prior to its effective date.