

**IN THE
SUPREME COURT OF PENNSYLVANIA**

IN RE: Amendment of Rule of : **NO. 340**
Civil Procedure 1019 Governing : **CIVIL PROCEDURAL RULES**
Pleading : **DOCKET NO. 5**

ORDER

PER CURIAM:

AND NOW, this 28th day of November, 2000, Pennsylvania Rule of Civil Procedure 1019 is amended to read as attached hereto.

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 1019. Contents of Pleadings. General and Specific Averments

(h) [A pleading shall state specifically whether any claim or defense set forth therein is based upon a writing.] When any claim or defense is based upon an agreement, the pleading shall state specifically if the agreement is oral or written.

NOTE: If the agreement is in writing, it must be attached to the pleading. See subdivision (i) of this rule.

(i) [If so] When any claim or defense is based upon a writing, the pleader shall attach a copy of the writing, or the material part thereof, but if the writing or copy is not accessible to the pleader, it is sufficient so to state, together with the reason, and to set forth the substance of the writing.

Explanatory Comment

The Supreme Court of Pennsylvania has amended Rule 1019 governing the pleading of agreements and writings generally when claims or defenses are based upon them.

Present subdivision (h) of Rule 1019 governs the pleading of writings. It is revised to apply specifically to agreements. The pleading must state if an agreement is oral or written. A note advises that a written agreement must be attached to the pleading as provided by subdivision (i).

New subdivision (i) has been added to govern writings generally. The new subdivision is derived from present subdivision (h) and provides that a writing or the material part thereof be attached to the pleading. Written agreements are “writings” and thus subject to the rule.

By the Civil Procedural
Rules Committee

Rea Boylan Thomas
Chair