

**Rule 3051. Relief from Judgment of Non Pros**

(a) Relief from a judgment of non pros shall be sought by petition. All grounds for relief, whether to strike off the judgment or to open it, must be asserted in a single petition.

(b) **Except as provided in subdivision (c), [If] if** the relief sought includes the opening of the judgment, the petition shall allege facts showing that

(1) the petition is timely filed,

(2) there is a reasonable explanation or legitimate excuse for the **[inactivity or delay] conduct that gave rise to the entry of judgment of non pros,** and

(3) there is a meritorious cause of action.

Note: See Rule 237.3 for special provisions relating to relief from a judgment of non pros entered pursuant to Rule 1037(a).

**(c) If the relief sought includes the opening of the judgment of non pros for inactivity, the petition shall allege facts showing that**

**Note: The “inactivity” covered by this subdivision is governed by and subject to *Jacobs v. Halloran*, 551 Pa. 350, 710 A.2d 1098 (1998).**

**(1) the petition is timely filed,**

**(2) there is a meritorious cause of action, and**

**(3) the record of the proceedings granting the judgment of non pros does not support a finding that the following requirements for entry of a judgment of non pros for inactivity have been satisfied:**

**(i) there has been a lack of due diligence on the part of the plaintiff for failure to proceed with reasonable promptitude,**

(ii) the plaintiff has failed to show a compelling reason for the delay, and

(iii) the delay has caused actual prejudice to the defendant.