

CHAPTER 2320. INTERVENTION

Rule	
2326.	Definitions.
2327.	Who may intervene.
2328.	Petition to intervene.
2329.	Action of court on petition.
2330.	Practice.
2348.	Acts of Assembly not suspended.
2349.	Effective date; pending actions.
2350.	Suspension of Acts of Assembly.

Rule 2326. Definitions.

As used in this chapter

“action” means any civil action or proceeding brought in or appealed to any court of record which is subject to these rules.

Source

The provisions of this Rule 2326 adopted June 7, 1940, effective February 3, 1941; amended January 4, 1952, effective July 1, 1952; amended December 16, 2003, effective July 1, 2004, 34 Pa.B. 9. Immediately preceding text appears at serial page (257835).

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

- (1) the entry of a judgment in such action or the satisfaction of such judgment will impose any liability upon such person to indemnify in whole or in part the party against whom judgment may be entered; or
- (2) such person is so situated as to be adversely affected by a distribution or other disposition of property in the custody of the court or of an officer thereof; or
- (3) such person could have joined as an original party in the action or could have been joined therein; or
- (4) the determination of such action may affect any legally enforceable interest of such person whether or not such person may be bound by a judgment in the action.

Source

The provisions of this Rule 2327 adopted June 7, 1940, effective February 3, 1941; amended April 18, 1975, effective immediately, 5 Pa.B. 1820; amended April 12, 1999, effective July 1, 1999, 29 Pa.B. 2274. Immediately preceding text appears at serial page (190613).

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

- (b) A copy of the petition shall be served upon each party to the action.

Source

The provisions of this Rule 2328 adopted June 7, 1940, effective February 3, 1941; amended December 16, 1983, effective July 1, 1984, 13 Pa.B. 3999; amended April 12, 1999, effective July 1, 1999, 29 Pa.B. 2274; amended December 16, 2003, effective July 1, 2004, 34 Pa.B. 9. Immediately preceding text appears at serial pages (257835) to (257836).

Rule 2329. Action of court on petition.

Upon the filing of the petition and after hearing, of which due notice shall be given to all parties, the court, if the allegations of the petition have been established and are found to be sufficient, shall enter an order allowing intervention; but an application for intervention may be refused, if

- (1) the claim or defense of the petitioner is not in subordination to and in recognition of the propriety of the action; or
- (2) the interest of the petitioner is already adequately represented; or
- (3) the petitioner has unduly delayed in making application for intervention or the intervention will unduly delay, embarrass or prejudice the trial or the adjudication of the rights of the parties.

Official Note: Adopted June 7, 1940. Effective February 3, 1941. Amended April 18, 1975. Effective Immediately, 5 Pa.B. 1820.

Rule 2330. Practice.

- (a) After the entry of an order allowing intervention, the intervener shall have all the rights and liabilities of a party to the action.
- (b) Any party to the action may amend any pleading filed by the party to include any claim or defense available against an intervening party.

Source

The provisions of this Rule 2330 adopted June 7, 1940, effective February 3, 1941; amended April 18, 1975; effective immediately, 5 Pa.B. 1820; amended April 12, 1999, effective July 1, 1999, 29 Pa.B. 2274. Immediately preceding text appears at serial page (190614).

Rule 2348. Acts of Assembly not suspended.

These rules shall not be deemed to suspend or affect the following Acts of Assembly:

(1) Section 1 of the Act approved June 23, 1931, P. L. 1181, No. 321, 8 P. S. § 146.

Official Note: This section relates to the right to intervene in an action on a contractor's bond.

(2) Section 4 of the Act approved December 20, 1983, P. L. 260, No. 72, 63 P. S. § 1604.

Official Note: This section relates to the rights of claimants to intervene in a suit on a bond of a public adjuster or public adjuster solicitor.

Source

The provisions of this Rule 2348 adopted June 7, 1940, effective February 3, 1941; amended June 3, 1994, effective July 1, 1994, 24 Pa.B. 3010. Immediately preceding text appears at serial page (87348).

Rule 2349. Effective date; pending actions.

These rules shall become effective on the fifth day of February, 1941, and shall apply to actions pending at that time. Adopted June 7, 1940. Eff. Feb. 3, 1941.

Rule 2350. Suspension of Acts of Assembly.

Section 12 of the Act approved May 16, 1923, P. L. 207, No. 153, 53 P. S. § 7181, insofar as it relates to intervention in proceedings to enforce municipal claims and tax liens, is suspended in accordance with the provisions of the Constitution of 1968, Article V, Section 10(c).

Source

The provisions of this Rule 2350 adopted June 7, 1940, effective February 3, 1941; amended June 3, 1994, effective July 1, 1994, 24 Pa.B. 3010. Immediately preceding text appears at serial pages (87350) and (15909) to (15912).

[Next page is 2350-1.]

2320-4

(255338) No. 296 Jul. 99

Copyright © 1999 Commonwealth of Pennsylvania