

CHAPTER 2300. INTERPLEADER BY DEFENDANTS

Rule	
2301.	Definitions.
2302.	Commencement of Proceedings.
2303.	Allegations Required in Petition. Stay of Proceedings.
2304.	Order of Court.
2305.	Service on and Answer of Plaintiff.
2306.	Action of Court on Petition.
2307.	Order for Payment, Delivery or Sale of Property. Effect of Compliance Therewith.
2308.	Service of Process on Interpleaded Claimants.
2309.	Claimant's statement of claim. Service thereof.
2310.	Answers by Defendant, Plaintiff and other Claimants.
2311.	Failure to Answer or Sufficiently Answer.
2312.	Questions of Jurisdiction.
2313.	Pre-trial Conference.
2314.	Judgment Barring Claim.
2315.	Order Disposing of Property.
2316.	Recovery of Property and Execution.
2317.	Successful Party not Required to Enter into Recognizance or Undertaking.
2318.	Exclusive Method at Law. Equity Interpleader Preserved.
2319.	Trial Without Jury.
2324.	Effective Date. Pending Actions.
2325.	[Rescinded].

Rule 2301. Definitions.

As used in this chapter

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

“defendant” means any party originally named as a defendant, any party added to the record as a defendant and any plaintiff against whom a counterclaim or setoff is asserted;

“plaintiff” means any party prosecuting the action, or any defendant insofar as such defendant asserts any counterclaim or setoff against any plaintiff in the action.

Source

The provisions of this Rule 2301 adopted July 10, 1939, effective January 22, 1940; amended January 4, 1952, effective July 1, 1952; amended April 18, 1975, effective immediately, 5 Pa.B. 1820; amended December 16, 2003, effective July 1, 2004, 34 Pa.B. 9. Immediately preceding text appears at serial page (255327).

Rule 2302. Commencement of Proceedings.

At any time during the pendency of an action, the court, of its own motion or upon petition of a defendant, may interplead the plaintiff and one or more claimants not parties of record. More than one claimant may be interpleaded.

Source

The provisions of this Rule 2302 adopted July 10, 1939, effective January 22, 1940; amended April 18, 1975, effective immediately, 5 Pa.B. 1820.

Rule 2303. Allegations required in petition; stay of proceedings.

- (a) The petition for interpleader shall allege
 - (1) that a claimant not a party of record has made or is expected to make a demand upon the defendant as a result of which the defendant is or may be exposed to double or multiple liability to the plaintiff and to such claimant as to all or any part of the claim asserted by the plaintiff.
 - (2) that the petition is filed in good faith and not in collusion with the plaintiff or any claimant.
 - (3) the interest, if any, which the defendant claims in the money or property in controversy and whether 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 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.
- (b) The petition shall be subscribed and verified.
- (c) The filing of the petition shall stay all proceedings in the action until the court has disposed of the petition.

Source

The provisions of this Rule 2303 adopted July 10, 1939, effective January 22, 1940; 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 (190606).

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 _____, 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 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) 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.

Source

The provisions of this Rule 2304 adopted July 10, 1939, effective January 22, 1940; 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 pages (190606) to (190607).

Rule 2305. Service on and answer of plaintiff.

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

Source

The provisions of this Rule 2305 adopted July 10, 1939, effective January 22, 1940; 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 (190607).

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) If the defendant petitions to interplead claimants who in good faith and without collusion have started independent actions against the defendant in the same or different courts, the court in which the petition for interpleader is filed

(1) shall grant the petition where otherwise proper under these rules if the petition is filed in the first action commenced against the defendant;

(2) may refuse the petition although it would be proper to grant it under these rules if it is filed in any action other than the first action and the granting of the interpleader would unduly prejudice any party to any of the actions commenced against the defendant.

(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;

(2) there is no privity between any of the parties of record or the claimants or their claims do not have a common origin;

- (3) the plaintiff and the claimants do not assert the identical right or demand the identical relief of the defendant;
- (4) the court believes that the claim of the plaintiff or any claimant is without merit in law or fact.

Source

The provisions of this Rule 2306 adopted July 10, 1939, effective January 22, 1940; 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 pages (190607) to (190608).

Rule 2307. Order for payment; delivery or sale of property; effect of compliance therewith.

- (a) Upon granting a petition for interpleader, the court shall make such order as may be deemed just under the circumstances relating to the payment or delivery into court, or to such person as the court shall direct, of any money or property in controversy disclaimed by the defendant.
- (b) When the defendant has complied with such order, the court shall enter an order discharging 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 the defendant from all liability for any costs accruing after the entry of the order and shall allow the defendant the costs incurred by him in the action, to be paid from such money or property in the first instance and taxed as costs in the action.
- (c) Upon granting the petition for interpleader or at any time thereafter but prior to the final determination thereof the court may make any order relating to the sale or disposition of any property in controversy.

Source

The provisions of this Rule 2307 adopted July 10, 1939, effective January 22, 1940; 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 pages (190608) to (190609).

Rule 2308. Service of process on interpleaded claimants.

- (a) Within twenty days after the entry of the order of the court directing the interpleader, each claimant interpleaded shall be served, in the same manner as provided for the service of original process, with a copy of the petition and order of the court and a copy of all pleadings theretofore filed in the action.
- (b) A copy of such order shall be served upon the plaintiff or the plaintiff's attorney.
- (c) The court upon cause shown may extend the time for such service upon motion made either before or after the expiration of such time.
- (d) [Rescinded].

Source

The provisions of this Rule 2308 amended June 20, 1985, effective January 1, 1986, 15 Pa.B. 2452; amended April 12, 1999, effective July 1, 1999, 29 Pa.B. 2274; amended June 25, 1999, effective September 1, 1999, 29 Pa.B. 3191. Immediately preceding text appears at serial pages (256978) to (256979). (*Editor's Note:* The Supreme Court of Pennsylvania has suspended its order of June 14, 1999, published at 29 Pa.B. 3191 (June 26, 1999). See 29 Pa.B. 4859 (September 18, 1999).)

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 claim against the defendant and any money or property paid or delivered by said defendant pursuant to an order of the court.

(b) The form and verification of the statement shall be the same as a complaint in a civil action.

(c) Following the allegations relating to 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 the defendant has not disclaimed all interest in the action.

Source

The provisions of this Rule 2309 adopted July 10, 1939, effective January 22, 1940; amended December 16, 1983, effective July 1, 1984, 13 Pa.B. 3999; amended April 12, 1999, effective July 1, 1999, 29 Pa.B. 2274. Immediately preceding text appears at serial pages (190609) to (190610).

Rule 2310. Answers by defendant, plaintiff and other claimants.

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

(b) If a claimant has included "Additional Matter" in his statement, the plaintiff or any other interpleaded party shall within twenty days after service of the claimant's statement, file an answer to such "Additional Matter," insofar as such "Additional Matter" involves his claim in the action.

(c) The form and verification of such answers shall be the same as in a civil action.

Source

The provisions of this Rule 2310 adopted July 10, 1939, effective January 22, 1940; amended December 16, 1983, effective July 1, 1984, 13 Pa.B. 3999; amended April 12, 1999, effective July 1, 1999, 29 Pa.B. 2274. Immediately preceding text appears at serial page (190610).

Rule 2311. Failure to answer or sufficiently answer.

All allegations of fact in a claimant's statement which are not answered, or sufficiently answered, shall, as between the parties concerned thereby, be conclusive in the action.

Source

The provisions of this Rule 2311 adopted July 10, 1939, effective January 22, 1940.

Rule 2312. Questions of jurisdiction.

The manner of raising questions of jurisdiction or of the form or sufficiency of any pleading shall be the same as in a civil action.

Source

The provisions of this Rule 2312 adopted July 10, 1939, effective January 22, 1940; amended through December 16, 1983, effective July 1, 1984, 13 Pa.B. 3999. Immediately preceding text appears at serial page (22355).

Rule 2313. Pre-trial conference.

Upon the expiration of the period for the filing of pleadings by all parties the court shall direct a pre-trial conference under Rule 212.

Source

The provisions of this Rule 2313 adopted July 10, 1939, effective January 22, 1940.

Rule 2314. Judgment barring claim.

If an interpleaded party fails to plead as required by Rule 2309(a) the defendant may move the court to enter a judgment forever barring such party from asserting any claim against the defendant set forth in the petition for interpleader.

Source

The provisions of this Rule 2314 adopted July 10, 1939, effective January 22, 1940; amended April 18, 1975, effective immediately, 5 Pa.B. 1820.

Rule 2315. Order disposing of property.

Upon the conclusion of the interpleader proceedings, the court shall enter an order disposing of money or property which has been paid or delivered by the defendant in compliance with an order made pursuant to Rule 2307(a).

Source

The provisions of this Rule 2315 adopted July 10, 1939, effective January 22, 1940.

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 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.

Source

The provisions of this Rule 2316 adopted July 10, 1939, effective January 22, 1940; amended April 12, 1999, effective July 1, 1999, 29 Pa.B. 2274. Immediately preceding text appears at serial page (190611).

Rule 2317. Successful party not required to enter into recognizance or undertaking.

The court shall not require the party ultimately found entitled to recover to enter into a recognizance or undertaking to interplead with any claimant not served should such claimant assert against the defendant any claim set forth in the defendant's petition for interpleader or to indemnify the defendant for any liability or loss should the claimant not served successfully assert such a claim against the defendant.

Source

The provisions of this Rule 2317 adopted July 10, 1939, effective January 22, 1940; amended April 18, 1975, effective immediately, 5 Pa.B. 1820.

Rule 2318. Exclusive method. Civil Action interpleader preserved.

The right of interpleader conferred by these rules shall be the exclusive method of interpleader in any action and shall be in addition to, and not in lieu of, the right to commence a civil action for an interpleader.

Source

The provisions of this Rule 2318 adopted July 10, 1939, effective January 22, 1940; amended April 18, 1975, effective immediately, 5 Pa.B. 1820; amended December 16, 2003, effective July 1, 2004, 34 Pa.B. 9. Immediately preceding text appears at serial page (255333).

Rule 2319. Trial without jury.

The trial of an interpleader by a judge sitting without a jury shall be in accordance with Rule 1038.

Source

The provisions of this Rule 2319 adopted June 27, 1969, effective September 1, 1969; amended December 16, 1983, effective July 1, 1984, 13 Pa.B. 3999. Immediately preceding text appears at serial page (22357).

Rule 2324. Effective date; pending actions.

These rules shall become effective on the twenty-second day of January, 1940, and shall apply to actions pending at that time.

2300-7

231 Rule 2325

GENERAL

Source

The provisions of this Rule 2324 adopted July 10, 1939, effective January 22, 1940.

Rule 2325. [Rescinded].

Official Note: Former Rule 2325 suspended statutory provisions which were subsequently repealed.

Source

The provisions of this Rule 2325 adopted July 10, 1939, effective January 22, 1940; amended April 18, 1975, effective immediately, 5 Pa.B. 1820; rescinded June 3, 1994, effective July 1, 1994, 24 Pa.B. 3010. Immediately preceding text appears at serial pages (87345) to (87346).

[Next page is 2320-1.]

2300-8