

Outline for Inn Members

A Comparison of the Pleading, Motions and other filings in Federal and Pennsylvania Courts: The Same, But Different

Team 3

November 19, 2025

- I. Common Law Pleading - *Question for the Inn*: Who knows the cycle of pleadings at common law?
- II. Modern Pleading
 - A. The Federal Rules of Civil Procedure were first adopted in 1937 and first became effective on September 16, 1938. These rules have been amended several times since their adoption.
 - B. The Pennsylvania Supreme Court created the Civil Procedural Rules Committee in 1937. The modern rules of civil procedure for the Pennsylvania courts were adopted in 1951 and have been amended numerous times.
- III. A Comparison of the Federal Rules of Civil Procedure and the Pennsylvania Rules of Civil Procedure (Family Law excluded).
 - A. Practice in Federal Court and Pennsylvania Courts are the same, but different.
 - B. Federal Rule of Civil Procedure Rule 2.
 - C. Pennsylvania Rule of Civil Procedure 1001(b).
 - D. How is an action filed in Federal Court? Rule 3
 - E. How is an action filed in state court? Rule 1007
 - F. Praecipe
 - 1. A praecipe is a request to prothonotary for a ministerial act. (ie. "Place this matter on a list" or "enter a default judgement for want of a response to the complaint".
 - 2. Federal Courts.
 - G. Service of the Complaint

1. Pennsylvania

Question for the Inn: Does anyone know who serves a complaint on the sheriff when he/she is the defendant? [Coroner]

2. Federal Rules

Question for the Inn: What is the benefit of waiving service?

H. Pleadings Allowed

1. Pennsylvania (Rule 1017)

2. Federal Court (Rule 7)

3. Major difference between Pennsylvania courts and federal court?

I. Contents of the Complaint

1. Pennsylvania (Rule 1019); response to each averment by defendant in answer.

2. Federal Court (Rule 8); response to each averment by defendant in answer.

A major difference in the contents of a federal complaint from the requirement under Pennsylvania rules. Rule 8(a).

J. John Does and Jane Does (not to mention Richard Roe) - Pennsylvania

(1) Pa. R.Civ. P. Rule 2005 (paraphrased)- adopted in 2019

K. Federal Rule on Pleading John Doe

(2) There is no rule directly address this issue.

L. Affirmative Defenses

1. Pennsylvania Courts (Rule 1030)

2. Federal Court - Rule 9(c)

Mistaken Designation

M. Signing of Complaint and Other Filings

1. Pennsylvania Courts (Rules 1023.1(c))
 - (a) Possible Sanctions for Violation of 1023.1© set forth in Rule 1023.1(d)
2. Federal Court (Rule 11(b))
 - (a) "REPRESENTATIONS TO THE COURT.
 - (b) Sanctions

N. Motions or Objections Attacking the Complaint

1. Pennsylvania Courts.
Preliminary Objections (Rule 1028)
Amendments in the face of preliminary objections
2. Federal Court - Motion to Dismiss - HOW TO PRESENT DEFENSES.
(Rule 12(b))
Amendments in the face of a motion to dismiss

O. Pretrial Conference

1. The Pennsylvania Rule (Rule 212.3) and Federal Rule (Rule 16) are very similar in purpose.
2. Pennsylvania Rule 212.3 gives the trial judge great latitude in what shall be accomplished at the pretrial conference.
3. Federal pretrial conference -
 - (a) Attendance and matters for consideration at a pretrial conference.
 - (b) Pretrial orders.
 - (c) Final pretrial conference and orders.
 - (d) Sanctions.

P. Discovery. There are significant differences between the Pennsylvania Rule (Rules 4001 - 4020) and the Federal Rules (Rules 26 - 37). The most significant

difference is the provision of FRCP 26.

- (1) Number limitations relative to interrogatories.
- (2) Duration of depositions.

VI. Removal of State Court Action to Federal Court 28 U.S.C. §1446

A. Basic procedure: Requirements; Generally.—

B. Just because you can, should you remove it? Considerations

V. Phil's Tips!