

**CHAPTER 2000. ACTIONS BY REAL PARTIES
IN INTEREST**

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Rule 2001. 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 2001 adopted February 14, 1939, effective September 4, 1939; 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 (255291).

**Rule 2002. Prosecution of Actions by Real Parties in Interest.
Exceptions.**

(a) Except as otherwise provided in clauses (b), (c) and (d) of this rule, all actions shall be prosecuted by and in the name of the real party in interest, without distinction between contracts under seal and parol contracts.

(b) A plaintiff may sue in his or her own name without joining as plaintiff or use-plaintiff any person beneficially interested when such plaintiff

(1) is acting in a fiduciary or representative capacity, which capacity is disclosed in the caption and in the plaintiff’s initial pleading; or

(2) is a person with whom or in whose name a contract has been made for the benefit of another.

(c) Clause (a) of this rule shall not apply to actions where a statute or ordinance provides otherwise.

(d) Clause (a) of this rule shall not be mandatory where a subrogee is a real party in interest.

Source

The provisions of this Rule 2002 adopted February 14, 1939, effective September 4, 1939; amended October 29, 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 (190553).

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Rule 2003. Defenses, Counterclaims and Setoffs.

The prosecution of any action in the name of the real party in interest shall not affect any defense, counterclaim or setoff which might otherwise be asserted against the claim or demand thus prosecuted.

Source

The provisions of this Rule 2003 adopted February 14, 1939, effective September 4, 1939; amended April 18, 1975, effective immediately, 5 Pa.B. 1820.

Rule 2004. Transfer of Interest in Pending Action.

If a plaintiff has commenced an action in his or her own name and thereafter transfers the interest therein, in whole or in part, the action may continue in the name of the original plaintiff, or upon petition of the original plaintiff or of the transferee or of any other party in interest in the action, the court may direct the transferee to be substituted as plaintiff or joined with the original plaintiff.

Source

The provisions of this Rule 2004 adopted February 14, 1939, effective September 4, 1939; 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 (190554).

Rule 2005. Unknown Defendant. Doe Designation.

- (a) This rule shall only apply to *in personam* actions.
- (b) The plaintiff or joining party may designate an unknown defendant by a Doe designation in a complaint provided that:
 - (1) a defendant's actual name is unknown to the plaintiff or joining party after having conducted a reasonable search with due diligence;
 - (2) the Doe designation is averred to be fictitious;
 - (3) a factual description of the unknown defendant is averred with sufficient particularity for identification; and
 - (4) the plaintiff or joining party avers that a reasonable search to determine the actual name has been conducted.

Official Note: This rule does not authorize use of a Doe designation in an action commenced by a writ of summons.

The unknown defendant should be designated by a Doe designation such as John Doe or Jane Doe.

- (c) Within 20 days after the actual name of the defendant has been identified, the plaintiff or joining party shall file a motion to amend the complaint pursuant to this rule and Rule 1033 by replacing the Doe designation with the defendant's actual name. An affidavit shall be attached to the motion describing the nature and extent of the investigation that was made to determine the identity of the defendant, and the date upon and the manner in which the defendant's actual name was identified.

Official Note: Rule 1033 and this rule govern the requirements for amending a complaint to replace a Doe designation with the actual name of a defendant.

(d) The court shall grant a motion to amend filed pursuant to subdivision (c) unless the court finds that the party seeking the amendment failed to exercise due diligence in identifying the actual name of the defendant.

(e) A defendant introduced to an action by its actual name in an amended complaint, after the filing of a motion pursuant to subdivision (c) and the court's ruling, may respond by preliminary objection challenging compliance with this rule, asserting prejudice or any other ground set forth in Rule 1028.

(f) No subpoena in aid of discovery relating to a defendant identified by a Doe designation may be issued or be served without leave of court upon motion stating with particularity from whom information is sought and how the discovery will aid in identification of the unknown defendant. In deciding the motion, the court shall weigh the importance of the discovery sought against unreasonable annoyance, embarrassment, oppression, burden, or expense to any person or party from whom the discovery is sought, and prejudice to any person or entity suspected of being the unknown defendant. Leave to serve a subpoena in aid of discovery does not preclude a challenge to the subpoena by the person or entity served.

(g) No final judgment may be entered against a defendant designated by a Doe designation.

Source

The provisions of this Rule 2005 adopted January 24, 2019, effective April 1, 2019, 49 Pa.B. 608.

Rule 2024. Effective Date. Pending Actions.

These rules shall become effective on the fourth day of September, 1939, but shall not apply to actions pending at that time.

Source

The provisions of this Rule 2024 adopted February 14, 1939, effective September 4, 1939.

Rule 2025. [Rescinded].

Source

The provisions of this Rule 2025 adopted February 14, 1939, effective September 4, 1939; rescinded June 3, 1994, effective July 1, 1994, 24 Pa.B. 3010. Immediately preceding text appears at serial pages (159480) to (159481).

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