

## **APPELLATE COURT PROCEDURAL RULES COMMITTEE ADOPTION REPORT**

### **Amendment of Pa.R.A.P. 341 and 904**

On December 11, 2025, the Supreme Court of Pennsylvania amended Pennsylvania Rules of Appellate Procedure 341 and 904. The Appellate Court Procedural Rules Committee has prepared this Adoption Report describing the rulemaking process. An Adoption Report should not be confused with Comments to the rules. See Pa.R.J.A. 103, cmt. The statements contained herein are those of the Committee, not the Court.

Pursuant to a request, the Committee examined the language set forth in the form notice of appeal in Pa.R.A.P. 904, which states that notice is given to the appropriate appellate court from the order entered upon the lower court's docket. It provides:

Notice is hereby given that \_\_\_\_\_, defendant above named, hereby appeals to the (Supreme) (Superior) (Commonwealth) Court of Pennsylvania from the order entered in this matter on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_. This order has been entered in the docket as evidenced by the attached copy of the docket entry.

The requester indicated that the reference to "order" in the singular in the form notice of appeal was ambiguous and misleading because it could lead to the conclusion that the only order that must be referenced is the final order. The requester suggested a revision to the last sentence stating that "[T]his order (or orders) has been entered in the docket..." would clarify that "order" includes any and all orders in the entire case, including any pre-trial orders for which a party requests appellate review.

The Committee observed that neither the form notice of appeal nor the commentary to Pa.R.A.P. 904 makes any mention that a party needs to file only a single notice of appeal to secure review of prior non-final orders that are made final by the entry of a final order; that guidance is found in the commentary to Pa.R.A.P. 341 relating to final orders. See Pa.R.A.P. 341, cmt. ¶ 4. To remedy this omission, the Committee proposed amending the commentary of Pa.R.A.P. 904 to add a statement indicating that non-final orders are merged into the final order for the purposes of appeal. The Committee also proposed amending the commentary of Pa.R.A.P. 341 to add a cross reference to Pa.R.A.P. 904.

Outside of the rulemaking request, the Committee also proposed amending the form notice of appeal in Pa.R.A.P. 904 to update the language and change the sequence of the list of appellate courts in the form. Commentary was also proposed to be added to

emphasize that only the final order should be listed in the notice of appeal and that it is not necessary to list any prior non-final orders that have merged into the final order.

Finally, the Committee proposed an amendment of Pa.R.A.P. 904(b) to clarify that the caption in the notice of appeal must state all parties as they appeared on the record in the trial court at the time the appeal was taken. This change was intended to aid the filing office of the appellate court in identifying the parties involved in an appeal and have the docket accurately reflect who is a participant. In addition, the commentary of Pa.R.A.P. 904 was proposed to be amended to emphasize this requirement.

The Committee published the proposal for comment, *See* 54 Pa.B. 7110 (November 2, 2024). The Committee received no responses to publication. As a result, the Committee made no further changes to the proposal.

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The following commentary has been removed from Pa.R.A.P. 341:

The 1997 amendments to subdivisions (a) and (c), substituting the conjunction “and” for “or,” are not substantive. The amendments merely clarify that by definition any order that disposes of all claims will dispose of all parties and any order that disposes of all parties will dispose of all claims.

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The amendments become effective on July 1, 2026.