

**SUPREME COURT OF PENNSYLVANIA
CIVIL PROCEDURAL RULES COMMITTEE**

NOTICE OF PROPOSED RULEMAKING

Proposed Amendment of Pa.R.Civ.P. 227.4

The Civil Procedural Rules Committee is considering proposing to the Supreme Court of Pennsylvania the amendment of Pa.R.Civ.P. 227.4 for the reasons set forth in the accompanying publication report. Pursuant to Pa.R.J.A. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

Any report accompanying this proposal was prepared by the Committee to indicate the rationale for the proposed rulemaking. It will neither constitute a part of the rules nor be adopted by the Supreme Court.

Additions to the text of the proposal are bolded and underlined; deletions to the text are bolded and bracketed.

The Committee invites all interested persons to submit comments, suggestions, or objections in writing to:

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All communications in reference to the proposal should be received by **August 28, 2026**. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

By the Civil Procedural Rules Committee,

Casey Alan Coyle
Chair

Rule 227.4. Entry of Judgment [upon Praecipe of a Party].

In addition to the provisions of any Rule of Civil Procedure or Act of Assembly authorizing the prothonotary to enter judgment upon **[praecipe] praecipe** of a party and except as otherwise provided by Rule 1042.72(e)(3), the prothonotary shall, upon **[praecipe] praecipe** of a party:

([1]a) enter judgment upon a nonsuit by the court, the verdict of a jury, or the decision of a judge following a trial without jury, if

([a]1) no timely post-trial motion is filed; or

([b]2) one or more timely post-trial motions are filed and the court does not enter an order disposing of all motions within **[one hundred twenty] 120** days after the filing of the first motion. A judgment entered pursuant to this **[subparagraph] subdivision** shall be final as to all parties and all issues and shall not be subject to reconsideration; or

[Note: If a motion for delay damages has been filed, judgment may not be entered until that motion is decided or otherwise resolved. See Rule 238(c)(3)(i).

Rule 1042.72(e)(3) prohibits the entry of judgment in a medical professional liability action if a motion for post-trial relief under Rule 227.1 is pending with respect to the ground that a damage award for noneconomic loss is excessive.]

([2]b) enter judgment **within 90 days** when a court grants or denies relief but does not itself enter judgment or order the prothonotary to do so. **If neither party files a praecipe for entry of judgment under this subdivision, the prothonotary shall enter judgment after the 90th day, but no later than 120th day from the date the court grants or denies relief.**

[Note: See Rule 236 requiring the prothonotary to give notice of the entry of an order or judgment and Rule 237 requiring notice of filing of praecipe for judgment. For illustrative Rules of Civil Procedure specifically authorizing entry of judgment by the prothonotary on praecipe of a party, see Rules 1037, 1659, 3031(a), and 3146.]

Comment:

If a motion for delay damages has been filed, judgment may not be entered until that motion is decided or otherwise resolved. See Pa.R.Civ.P. 238(c)(3)(i).

See Rule 236 requiring the prothonotary to give notice of the entry of an order or judgment and Rule 237 requiring notice of filing of *praecipe* for judgment. For illustrative Rules of Civil Procedure specifically authorizing entry of judgment by the prothonotary on *praecipe* of a party, see Rules 1037, 1659, 3031(a), and 3146.

Historical Commentary

The following commentary is historical in nature and represents statements of the Committee at the time of rulemaking:

Explanatory Comment—1983

Rule 227.4 is the last of the new rules governing post-trial practice. It is concerned with the entry of judgment upon *praecipe* of a party which was previously the subject of three rules: Rule 1038(e) governing trial without jury, Rule 1039 governing trial by jury and Rule 1519(a) governing actions in equity.

Rule 227.4 is based upon former Rule 1039. It continues to provide for two instances in which judgment may be entered upon *praecipe*. These are (1) following trial when no timely post-trial motion is filed or if there is a waiver of the right to file post-trial motions signed by all parties and (2) “when the court grants or denies relief but does not itself enter judgment or order the prothonotary to do so”.

The new rule is made applicable to actions at law and in equity and tried with or without a jury. Consequently the first sentence of Rule 1038(e) and Rules 1039 and 1519(a) are rescinded.

Explanatory Comment—1995

Amendments to the Rules of Civil Procedure relating to post-trial practice have been promulgated, allowing parties to minimize post-trial delay and clarifying the procedure with regard to proceedings in eminent domain and the actions of mandamus and partition of real property.

I. Entry of Judgment upon Praecipe

a. Post-Trial Delay

Prior to the present amendment, parties to an action had no recourse when a motion for post-trial relief remained pending and undecided. The amendment to Rule 227.4 permits any party to an action to file a *praecipe* for judgment when a timely motion has been filed and remains undecided for more than one hundred twenty days after filing.

The rule is optional with the parties. If settlement negotiations are continuing, they may have little interest in a prompt appeal. If time is not of the essence, they may await the decision of the trial court. However, the rule provides the parties with the ability to “move the case along.”

If a motion remains undecided and a praecipe for judgment is entered at the earliest permissible time, the maximum post-trial delay is one hundred thirty days, i.e., ten days in which to file the motion and one hundred twenty days in which to decide it. The potential delay inherent in Rule of Appellate Procedure 1701(b)(3) providing for reconsideration of an order is avoided by prohibiting reconsideration of the judgment. The judgment entered is effective as to all parties and all issues so that the case in its entirety is ready for the appellate process.

The rule does not provide an automatic limit upon the time in which the court may make its ruling. However, it does provide a time standard by which the parties and the court may proceed.

There is a rule which may operate to prevent the entry of judgment upon the expiration of the one hundred twenty day period. Rule 238(c)(3)(i) provides that if “a motion for post-trial relief has been filed under Rule 227.1 and a motion for delay damages is opposed, a judgment may not be entered until all motions filed under Rule 227.1 and this rule [Rule 238] have been decided.” A note has been added to call attention to the rule.

b. Waiver of Post-Trial Practice

A second amendment to Rule 227.4 has deleted the provision for entry of judgment upon filing a “waiver in writing of the right to file post-trial motions signed by all parties”. Present Pennsylvania policy is to require the parties to give the trial court the opportunity to correct error through post-trial practice. It follows that post-trial practice should not be subject to waiver.

II. Eminent Domain

Case law had developed an inconsistent practice with respect to the filing of a post-trial motion following trial upon an appeal from the decision of viewers in eminent domain proceedings. Post-trial practice was required following a trial by jury but not after a trial by a judge without a jury. New subdivision (h) has been added to Rule 227.1 eliminating this distinction and requiring post-trial practice whether the trial be by jury or by judge.

Explanatory Comment—1997

A party may enter judgment upon a verdict or decision under Rule 227.4(1)(b) when a motion for post-trial relief is not decided within a 120-day period. One court of common pleas has ruled that the entry of judgment under Rule 227.4 prior to the disposition of an unopposed motion for delay damages under Rule 238 precludes the award of such damages. This is a result that was not intended.

The following amendments remedy this problem. First, Rule 238(c) is revised by prescribing a form of notice to begin the motion for delay damages, advising the defendant to file an answer within twenty days or the damages for delay may be added to the verdict or decision. Second, Rule 238(c)(1) is amended to enlarge from ten days to twenty days the time in which to answer a motion for delay damages. Third, Rule 238(c)(2) provides that if the motion is not opposed by filing an answer, the prothonotary upon praecipe will add the delay damages as set forth in the motion. Finally, Rule 238(c)(3)(i) prohibits the entry of judgment until there has been disposition of a pending motion for delay damages by order of court, by praecipe pursuant to Rule 238(c)(2) or by other resolution.

The note to Rule 227.4(1)(b) is revised to conform to amended Rule 238(c)(3)(i).

Explanatory Comment--2007

Rule 227.4(1) provides for the entry of judgment upon a verdict of a jury or the decision of a judge without a jury when no motion for post-trial relief is filed or, if a motion is filed, the court does not timely dispose of it. Rule 237 provides that the prothonotary shall not accept any praecipe of judgment on a verdict or for judgment on a decision in a trial without a jury “unless it includes a certificate that a copy of the praecipe has been mailed to each other party who has appeared in the action or to the attorney of record for each other party.” However, relief from a nonsuit entered by the court is also subject to a motion for post-trial relief (Rule 227.1(a)(3)), but Rule 227.4(1) and Rule 237 omit any reference to the nonsuit. The amendment remedies this omission by amending Rule 227.4(1) and Rule 237 to include a nonsuit by the court together with the verdict of a jury and the decision of a judge.

**SUPREME COURT OF PENNSYLVANIA
CIVIL PROCEDURAL RULES COMMITTEE**

PUBLICATION REPORT

Proposed Amendment of Pa.R.Civ.P. 227.4

The Civil Procedural Rules Committee is considering recommending the amendment of Pennsylvania Rule of Civil Procedure 227.4 to require the prothonotary to enter a judgment 90 days after a court grants or denies post-trial relief if judgment has not already been entered.

Pa.R.Civ.P. 227.4(2) permits a party to file a *praecipe* to enter judgment with the prothonotary if a court grants or denies post-trial relief, but the court itself does not enter judgment or order the prothonotary to do so. However, the subdivision is silent if no one acts to cause a judgment to be entered.

The Committee proposes to establish a timeframe within the subdivision for the party to file a *praecipe* and to address the circumstance of when no one acts. First, the party would have 90 days to file a *praecipe* for the entry of judgment. This period of time is believed appropriate to provide the parties with an opportunity for settlement negotiations after post-trial motions have been decided. Second, if a *praecipe* has not been filed within the 90-day period, then the prothonotary would be required to enter a judgment within 30 days thereafter.

The commentary referencing Pa.R.Civ.P. 1042.72 would also be removed to reflect the rescission of that rule on October 17, 2012.

The Committee invites all comments, objections, concerns, and suggestions regarding this proposed rulemaking.