

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

**Proposed Recommendation No. 234**

**Proposed Promulgation of New Rule 233.1 Governing  
Frivolous Litigation by Pro Se Plaintiffs**

The Civil Procedural Rules Committee proposes that new Rule of Civil Procedure 233.1 governing frivolous litigation by pro se plaintiffs be promulgated as set forth herein. The proposed recommendation is being submitted to the bench and bar for comments and suggestions prior to its submission to the Supreme Court of Pennsylvania.

All communications in reference to the proposed recommendation should be sent no later than **November 26, 2008** to:

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**or E-Mail to  
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The Explanatory Comment which appears in connection with the proposed recommendation has been inserted by the Committee for the convenience of the bench and bar. It will not constitute part of the rules of civil procedure or be officially adopted or promulgated by the Court.

**Rule 233.1. Frivolous Litigation. Pro Se Plaintiff. Motion to Dismiss**

(a) Upon the commencement of any action filed by a *pro se* plaintiff in the court of common pleas, a defendant may file a motion to dismiss the action on the basis that

(1) the *pro se* plaintiff is alleging the same or related claims against the same or related defendants, and

(2) these claims have already been resolved pursuant to a settlement agreement or a court proceeding.

(b) The court shall stay the action while the motion is pending.

(c) Upon granting the motion to dismiss, the court shall enter an order dismissing the action and may bar the *pro se* plaintiff from pursuing additional *pro se* litigation against the same defendant or related defendants raising the same or related claims without leave of court.

(d) If litigation is filed in violation of a court order entered pursuant to subdivision (c), the court may *sua sponte* or in an *ex parte* proceeding dismiss an action that is filed in violation of a court order entered under this rule.

Note: A *pro se* party is not barred from raising counterclaims or claims against other parties in litigation that the *pro se* plaintiff did not institute.

## **Explanatory Comment**

It has come to the attention of the Civil Procedural Rules Committee that some *pro se* litigants are abusing the legal system by filing large numbers of frivolous motions or by repeatedly filing new litigation raising the same claims against the same defendant even though the claims have been previously adjudicated either through settlement or court proceedings, all of which is done for the purpose of harassing the defendant. New Rule 233.1 is intended to provide relief to a defendant who has been subjected to this type of harassment. Upon the filing of an action by a *pro se* plaintiff, a defendant may file a motion to dismiss a pending action provided that (1) the *pro se* plaintiff is alleging the same or related claims against the same or related defendants, and (2) the claims have already been resolved pursuant to a settlement agreement or a court proceeding. The new rule also gives the trial court discretion to bar the *pro se* litigant from filing further litigation against the same or related defendants raising the same or related claims without leave of court.

By the Civil Procedural  
Rules Committee

Stewart L. Kurtz  
Chair