

SUPREME COURT OF PENNSYLVANIA

In Re: Order Amending Rule 1920.33 of the Pennsylvania Rules of Civil Procedure

In re Order Amending Rule 1920.33 · Decided June 10, 2016

SUMMARY

This document amends Pennsylvania Rule of Civil Procedure 1920.33 concerning joinder of related claims, equitable division of marital property, and enforcement. It establishes requirements for inventories and pre-trial statements, disclosures concerning assets, liabilities, income, witnesses, and exhibits, and sanctions for noncompliance or exceeding the scope of disclosed information.

CASE DETAILS

COURT	Supreme Court of Pennsylvania
WRITING FOR THE COURT	Per curiam
JURISDICTION	Pennsylvania
DECIDED	June 10, 2016
DISPOSITION	other
PROCEDURAL POSTURE	The Supreme Court of Pennsylvania promulgated amendments to Pennsylvania Rule of Civil Procedure 1920.33 governing inventories, pre-trial statements, equitable division of marital property, and enforcement in divorce proceedings.
PRECEDENTIAL VALUE	binding procedural rule amendment

TOPICS

[equitable distribution](#) [family law procedure](#) [sanctions](#) [civil procedure](#)

PRACTICE AREAS

[Pennsylvania civil procedure](#) [family law](#) [equitable distribution](#)

QUESTIONS PRESENTED

1. What requirements should govern inventories and pre-trial statements in claims for equitable division of marital property under Pennsylvania Rule of Civil Procedure 1920.33?

2. What sanctions and evidentiary consequences may apply when a party fails to file a required inventory or pre-trial statement, or offers information outside the fair scope of the pre-trial statement?

HOLDINGS

1. When a pleading or petition raises a claim for equitable division of marital property under Section 3502 of the Divorce Code, the parties must file and serve inventories identifying marital and claimed nonmarital assets and liabilities, applicable co-owners or co-debtors, and estimated values or amounts due.
2. Parties must file and serve pre-trial statements containing specified information concerning assets, liabilities, expert and other witnesses, exhibits, income, expenses, counsel fees, disputed tangible personal property, and proposed resolution of economic issues.
3. If a party fails to file a required inventory or pre-trial statement, the court may impose an appropriate sanction under Pennsylvania Rule of Civil Procedure 4019(c).
4. A party may be barred from offering testimony or introducing evidence supporting or opposing matters omitted from the pre-trial statement, or evidence inconsistent with or beyond its fair scope; the rule also permits an incomplete inventory when the party lacks comprehensive knowledge and allows omitted information to be supplied in the pre-trial statement.

FACTUAL BACKGROUND

The order addresses procedural requirements for claims involving equitable division of marital property under Section 3502 of the Divorce Code. The amended rule requires parties to exchange inventories of marital and nonmarital assets and liabilities, followed by pre-trial statements containing valuation, expert, witness, exhibit, income, expense, fee, personal-property, liability, and proposed-resolution information. It also authorizes sanctions and evidentiary preclusion for failures or omissions, subject to the rule's discretionary and good-cause provisions.

PROCEDURAL HISTORY

The text is a per curiam rule-amendment order. It does not describe an appeal from a lower-court judgment or identify an underlying litigated controversy.

DISPOSITION

other