

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1828 Session of
1987

INTRODUCED BY BRANDT, MORRIS, CHADWICK, HECKLER, BATTISTO,
BLACK, GAMBLE, ROBBINS, CAPPABIANCA, FARGO, SWEET, PITTS,
MARKOSEK, FLICK, WOZNIAK, E. Z. TAYLOR, LIVENGOD, BUSH,
TIGUE, NOYE, CAWLEY, LANGTRY, BELARDI, DeVERTER, McHALE,
B. SMITH, BOWSER AND SERAFINI, OCTOBER 13, 1987

REFERRED TO COMMITTEE ON JUDICIARY, OCTOBER 13, 1987

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, providing for dilatory
3 and frivolous motions, claims and defenses.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Title 42 of the Pennsylvania Consolidated
7 Statutes is amended by adding a section to read:

8 § 2505. Dilatory or frivolous motions, claims and defenses.

9 (a) Certification.--On a pleading, motion or other paper
10 filed in an action, the signature of an attorney or party
11 constitutes a certification of all of the following:

12 (1) The attorney or party has read the document that is
13 being signed.

14 (2) To the best of the attorney's or party's knowledge,
15 information and belief formed after reasonable inquiry, the
16 document is well grounded in fact.

17 (3) Claims or defenses are warranted by existing law or

1 by a good faith argument for the extension, modification or
2 reversal of existing law. This paragraph applies only to a
3 signature by an attorney.

4 (4) The document is not being filed for purposes of
5 delay or of needless increase in the cost of the litigation.

6 (b) Lack of signature.--If a pleading, motion or other paper
7 filed in an action is not signed, it shall be stricken unless it
8 is signed promptly after the omission is called to the attention
9 of the party.

10 (c) False certification.--If a certification under
11 subsection (a) is false, the court, upon motion or upon its own
12 initiative, shall impose upon the person who signed the document
13 or a represented party, or both, an appropriate sanction. A
14 sanction under this subsection may include an order to pay to
15 the other party the amount of the reasonable expenses incurred
16 because of the filing, including a reasonable attorney fee.

17 Section 2. This act shall apply to documents signed after
18 the effective date of this act.

19 Section 3. This act shall take effect in 60 days.