

Rule 135. Pleading Equitable Matters

(a) Single Equitable Cause of Action. Matters within the jurisdiction of a court of equity, whether directly or as an incident to other matters before it, or which an equity court can hear so as to do complete justice between the parties, may be regarded as a single equitable cause of action and when so treated as a single cause of action shall be pleaded without being set forth in separate counts and without the use of the term “count.”

(b) Joinder of Legal and Equitable Matters. When actions at law and in chancery that may be prosecuted separately are joined, the party joining the actions may, if he desires to treat them as separate causes of action, plead them in distinct counts, marked respectively “separate action at law” and “separate action in chancery.” This paragraph applies to answers, counterclaims, third-party claims, and any other pleadings wherever legal and equitable matters are permitted to be joined under the Civil Practice Law.

Amended May 28, 1982, effective July 1, 1982.

Committee Comments

This rule contains the pleading provisions of former Rules 10 and 11 without change in substance. The provisions of those rules relating to trial appear in new Rule 232.