

Rule 232. Trial of Equitable and Legal Matters

(a) Trial of a Single Equitable Cause of Action. When matters are treated as a single equitable cause of action as provided in Rule 135(a), they shall be heard and determined in the manner heretofore practiced in courts of equity. When legal and equitable matters that may be asserted separately are pleaded as provided in Rule 135, the court shall first determine whether the matters joined are properly severable, and, if so, whether they shall be tried together or separately and in what order.

(b) Trial of Joined Equitable and Legal Matters. If the court determines that the matters are severable, the issues formed on the law counts shall be tried before a jury when a jury has been properly demanded, or by the court when a jury has not been properly demanded. The equitable issues shall be heard and decided in the manner heretofore practiced in courts of equity.

Committee Comments

This is a revision of the trial provisions of former Rules 10 and 11, without change in substance. The pleading provision appears as Rule 135.