

PUBLIC NOTICES

The Legal Intelligencer

Jennifer McCullough ■ 215.557.2321 ■ jmccullough@alm.com

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ESTATE NOTICES

NOTICE TO COUNSEL
Your attention is directed to Section 3162 of the Probate, Estates and Fiduciaries Code of June 30, 1972 (Act No. 164) which requires advertisement of grant of letters to contain the name and address of the personal representatives.
ORPHANS' COURT OF PHILADELPHIA COUNTY

Letters have been granted on the Estate of each of the following decedents to the representatives named, who request all persons having claims against the Estate to present them in writing and all persons indebted to the Estate to make payment to them (unless otherwise noted all addresses being in Philadelphia)

BARAN, JOAN (a/k/a JOAN S. BARAN, a/k/a JOAN D. BARAN) -- John D. Kessler, Esq., Executor, P.O. Box 6, Abington, PA 19001; John D. Kessler, Attorney, P.O. Box 6, Abington, PA 19001.

2-2-3*

BROWN, ELEANOR V. -- Daina S. Wilson McLean, Esq., Administrator, P.O. Box 2410, Bala Cynwyd, PA 19004; Daina S. Wilson McLean, Attorney, P.O. Box 2410, Bala Cynwyd, PA 19004.

2-9-3*

DAWSON, DEQUINCY W. -- Daren W. Dawson, Administrator, 217 East Walnut Park Drive, 2nd Floor, Philadelphia, PA 19120.

2-16-3*

ECHOLS, KATIE -- Varis D. Jones, Executor, c/o Kenneth L. Mirsky, Esquire, 2033 Walnut Street, Philadelphia, PA 19103; Kenneth L. Mirsky, Attorney, 2033 Walnut Street, Philadelphia, PA 19103.

2-2-3*

HANNON, RANDY -- Teresa Hannon, Administrator, c/o William J. Salerno, Esquire, 220 Radcliffe St., Bristol, PA 19007; William J. Salerno, Attorney, 220 Radcliffe St., Bristol, PA 19007.

2-2-3*

HEVEY, SR., RONALD W. -- Diane C. Robertson, Executrix, 404 E. Allens Lane, Philadelphia, PA 19119.

2-9-3*

RICCIO, RITA M. -- Daina S. Wilson McLean, Esq., Administrator, P.O. Box 2410, Bala Cynwyd, PA 19004; Daina S. Wilson McLean, Attorney, P.O. Box 2410, Bala Cynwyd, PA 19004.

2-2-3*

CITY COUNCIL

City of Philadelphia Public Hearing Notice

The Committee on Law and Government of the Council of the City of Philadelphia will hold a Public Hearing on **Tuesday, February 21, 2023, at 10:00 AM**, in a remote manner using Microsoft® Teams. This remote hearing may be viewed on Xfinity Channel 64, Fios Channel 40 or <http://phlcouncil.com/watch-city-council/>, to hear testimony on the following items:

220736 An Ordinance amending Section 21-1203 of The Philadelphia Code, entitled "Appointments to Citizens Police Oversight Commission," by revising prohibited activities for Commissioners, all under certain terms and conditions.

Speakers interested in giving testimony on any of these legislative matters must call 215-686-0454 (leave voicemail), or send an e-mail to eliza.alford@phila.gov by 3 p.m. the day before the hearing and submit the following information:

- Full name
- Callback telephone number where you can be reached
- Identify the bill or resolution numbers that will be addressed

Speakers who submitted the above information within the required time frame will be telephoned during the public hearing and invited to the remote hearing. They will be given additional instructions by the Committee Chair once they are connected.

Immediately following the public hearing, a meeting of the Committee on Law and Government, open to the public, will be held to consider the action to be taken on the above listed items.

Copies of the foregoing items are available in the Office of the Chief Clerk of the Council, Room 402, City Hall.

Michael A. Decker
Chief Clerk
2-16-1*

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PUBLIC NOTICES

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CITY COUNCIL

City of Philadelphia Public Hearing Notice

The **Committee on Streets and Services** of the Council of the City of Philadelphia will hold a Public Hearing on **Friday, February 24, 2023**, at 10:00 AM, in a remote manner using Microsoft® Teams. This remote hearing may be viewed on Xfinity Channel 64, Fios Channel 40 or <http://phlcouncil.com/watch-city-council/>, to hear testimony on the following items:

220906 An Ordinance establishing a no truck parking regulation on both sides of 67th Street between Callowhill Street and Girard Avenue.

220939 An Ordinance establishing a no truck parking regulation on both sides of 63rd Street between Malvern Avenue and Wynnewood Road.

220943 An Ordinance authorizing the paving of 34th Street from Maiden Lane to Jackson Street, Forten Way from Maiden Lane to Jackson Street, and Jackson Street from 34th Street to Vare Avenue, under certain terms and conditions.

220944 An Ordinance authorizing the revision of lines and grades on a portion of City Plan Nos. 24-S, 25-S and 32-S by relocating the existing curblines and houselines along the western side of Vare Avenue from Maiden Lane to 28th Street, along the southern side of Maiden Lane from 34th Street to Vare Avenue, and at the intersection of Vare Avenue and Maiden Lane to accommodate the widening of certain streets and various intersection improvements, all under certain terms and conditions, including the dedication to the City of the beds of all widened portions of the aforementioned streets.

220945 An Ordinance authorizing the revision of lines and grades on portions of City Plan Nos. 25-S and 32-S by placing on the City Plan 34th Street from Maiden Lane to Jackson Street, Forten Way from Maiden Lane to Jackson Street, and Jackson Street from 34th Street to Vare Avenue, all under certain terms and conditions, including the dedication to the City of the said beds of 34th Street, Forten Way, and Jackson Street.

220946 An Ordinance authorizing the striking from City Plan Nos. 25-S and 32-S and abandonment of a certain right-of-way reserved for sewer and drainage purposes, located along the former Jackson Street, west of Vare Avenue, and extending westwardly therefrom to 34th Street, under certain terms and conditions.

220947 An Ordinance authorizing the paving of Frances Harper Drive from Passyunk Avenue to Penrose Avenue, Hartranft Street from 26th Street to Schuylkill Avenue, Schuylkill Avenue from Passyunk Avenue to Penrose Avenue, and an extension of Passyunk Avenue Service Road (aka Frontage Road) from its current terminus to Schuylkill Avenue, under certain terms and conditions.

220948 An Ordinance authorizing the revision of lines and grades on a portion of City Plan Nos. 32-S, 33-S, 39-S, 40-S, 46-S, 47-S, and 53-S by relocating the existing curblines and houselines along the southern side of Passyunk Avenue at its intersections with South 28th Street and Passyunk Avenue Service Road (aka Frontage Road), along both sides of Passyunk Avenue Service Road (aka Frontage Road) at its intersections with Frances Harper Drive and Passyunk Avenue, along the western side of 26th Street and center median of South 26th Street at its intersections with Passyunk Avenue, Hartranft Street and Penrose Avenue, along both sides of the northwesterly Service Road of Penrose Avenue (aka Lanier Avenue), and along the northern side of Penrose Avenue and center median of Penrose Avenue at its intersections with the northwesterly Service Road of Penrose Avenue (aka Lanier Avenue), Frances Harper Drive, Schuylkill Avenue, and 26th Street, to accommodate various intersection improvements, all under certain terms and conditions, including the dedication to the City of the beds of all widened portions of the aforementioned streets.

220949 An Ordinance authorizing the revision of lines and grades on portions of City Plan Nos. 32-S, 33-S, 40-S, 47-S, 48-S, 53-S, and 56-S by placing on the City Plan Frances Harper Drive from Passyunk Avenue to Penrose Avenue, Hartranft Street from 26th Street to Schuylkill Avenue, Schuylkill Avenue from Passyunk Avenue to Penrose Avenue, and an extension of Passyunk Avenue Service Road (aka Frontage Road) to Schuylkill Avenue, all under certain terms and conditions, including the dedication to the City of the said beds of Frances Harper

Drive, Hartranft Street, Schuylkill Avenue, and the said extension of Passyunk Avenue Service Road (aka Frontage Road).

220950 An Ordinance authorizing the striking from City Plan Nos. 40-S, 47-S, 48-S, 53-S, and 56-S and abandonment of certain rights-of-way reserved for water and gas main purposes, located along the former Lanier Avenue from Penrose Avenue to former Schuylkill Avenue and located along the former Schuylkill Avenue from Lanier Avenue to Passyunk Avenue, under certain terms and conditions.

220968 An Ordinance amending Section 12-919 of The Philadelphia Code, entitled "On-Street Parking of Boats, Motor Homes, Truck Campers, Semitrailers, Truck Tractors, and Vending Carts," to provide prohibitions on semitrailer and truck tractor parking in the Ninth District of Council, all under certain terms and conditions.

220970 An Ordinance authorizing the revision of lines and grades on a portion of City Plan No. 167 by relocating the curblines and a portion of the southerly houseline of Arch Street, between Sixty-Third Street and Gross Street, in order to conform more closely with existing conditions, and by striking from the City Plan Arch Street from Gross Street to Sixty-Fourth Street and authorizing the opening of the area being added to the bed of Arch Street, being land owned by the City.

220971 An Ordinance establishing a two-way regulation on the southwesterly cartway of Vare Avenue, extending along the southwesterly side of The Schuylkill Expressway (I-76), from South 28th Street to Maiden Lane, and establishing a two-way regulation on South 28th Street, from Vare Avenue to Porter Street.

230002 An Ordinance establishing a no truck parking regulation on both sides of North 57th Street between Lansdowne Avenue and Media Street.

230003 An Ordinance establishing a no truck parking regulation on both sides of North Parkside Avenue between Wynnefield Avenue and Monument Road.

230009 An Ordinance amending Chapter 12-2800 of The Philadelphia Code, entitled "Administrative Adjudication of Parking Violations," by further providing with respect to monetary penalties for on-street parking of semitrailers and truck tractors, all under certain terms and conditions.

230035 An Ordinance authorizing the revision of lines and grades on a portion of City Plan No. 370 by striking from the City Plan Southampton Road from Bustleton Avenue to its terminus southeastwardly therefrom, under certain terms and conditions.

220974 Resolution calling on the administration, along with the Philadelphia Parking Authority, to perform an audit of semitrailer and truck tractor parking across the City of Philadelphia, to investigate best practices in other jurisdictions, and to provide solutions to this growing problem in the City. Also authorizing the City Council Committee on Streets and Services to hold public hearings to assess the enforcement of semitrailer and truck tractor parking regulations.

Speakers interested in giving testimony on any of these legislative matters must call 215-686-3446, or send an e-mail to david.maynard@phila.gov by 3 p.m. the day before the hearing and submit the following information:

- Full name
- Callback telephone number where you can be reached
- Identify the bill number or numbers that will be addressed

Speakers who submitted the above information within the required time frame will be telephoned during the public hearing and invited to the remote hearing. They will be given additional instructions by the Committee Chair once they are connected.

Immediately following the public hearing, a meeting of the Committee on Streets and Services, open to the public, will be held to consider the action to be taken on the above listed items.

Copies of the foregoing items are available in the Office of the Chief Clerk of the Council, Room 402, City Hall.

Michael A. Decker
Chief Clerk
2-16-1*

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PUBLIC NOTICES

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COMPLAINTS

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY, PENNSYLVANIA, CIVIL DIVISION, No.: 221102485 TRUIST BANK, SUCCESSOR BY MERGER TO SUNTRUST BANK, **Plaintiff**

v.
THOMAS STACK, JR., KNOWN HEIR OF THOMAS J. STACK, SR., DECEASED; JAMES STACK, KNOWN HEIR OF THOMAS J. STACK, SR., DECEASED; CHRISTOPHER STACK, KNOWN HEIR OF THOMAS J. STACK, SR., DECEASED; UNKNOWN HEIRS, SUCCESSORS, ASSIGNS, AND ALL PERSONS, FIRMS, OR ASSOCIATIONS CLAIMING RIGHT, TITLE OR INTEREST FROM OR UNDER THOMAS J. STACK, SR., DECEASED, **Defendant(s)**

NOTICE

NOTICE TO:

UNKNOWN HEIRS, SUCCESSORS, ASSIGNS, AND ALL PERSONS, FIRMS, OR ASSOCIATIONS CLAIMING RIGHT, TITLE OR INTEREST FROM OR UNDER THOMAS J. STACK, SR., DECEASED

You are hereby notified on that on November 28, 2022, Plaintiff, TRUIST BANK, SUCCESSOR BY MERGER TO SUNTRUST BANK filed a Complaint against you in the Court of Common Pleas of PHILADELPHIA County, Pennsylvania, Docket No. 221102485, wherein Plaintiff seeks to enforce its rights under its loan documents.

If you wish to defend, you must enter a written appearance personally or by attorney and file your defenses or objections in writing with the Court. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you without further notice for the relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS NOTICE TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

Lawyer Referral and Information Service

Philadelphia Bar Association

1101 Market Street - 11th Floor

Philadelphia, PA 19107

Telephone: 215-238-6333

BROCK & SCOTT, PLLC, Attorney for Plaintiff, (844) 856-6646

2-16-1*

FICTITIOUS NAMES

Notice is hereby given that a Registration of Fictitious Name was filed in the Commonwealth of Pennsylvania for **CNcelegantshop.com** with a principal place of business located at 6148 Chestnut St., Philadelphia PA 19139. The individual interested in this business is Corchado Trower with an address of 6148 Chestnut St., Philadelphia PA 19139, in Philadelphia County. This is filed in compliance with 54 Pa.C.S. 311.

2-16-1*

MISCELLANEOUS GENERAL NOTICES

NOTICE

The Penn Mutual Life Insurance Company – The 2023 Annual Election of Trustees of The Penn Mutual Life Insurance Company will be held at the company's offices at 600 Dresher Road, Horsham, PA on **March 7, 2023**, between the hours of 10:00 a.m. and Noon.

2-10-5*

NAME CHANGE

Court of Common Pleas for the County of Philadelphia, February Term, 2023, No. 2301-00325 NOTICE IS HEREBY GIVEN that on February 13, 2023, the petition of **Howard Willie Strickland** was filed, praying for a decree to change **Howard Willie Strickland** name to **Willie Gibbons**. The Court has fixed March 13, 2023 at 10:00 A.M., in Room No. 691, City Hall, Phila., Pa. for hearing. All persons interested may appear and show cause if any they have, why the prayer of the said petitioner should not be granted.

2-16-1*

Court of Common Pleas for the County of Philadelphia, January Term, 2023, No. 000108 NOTICE IS HEREBY GIVEN that on January 9, 2023, the petition of **Kevin Thomas Jr.** was filed, praying for a decree to change **Kevin Thomas Jr.** name to **Kevin Junior Mansa**. The Court has fixed February 17, 2023 at 10:00 A.M., in Room No. 691, City Hall, Phila., Pa. for hearing. All persons interested may appear and show cause if any they have, why the prayer of the said petitioner should not be granted.

2-16-1*

Court of Common Pleas for the County of Philadelphia, January Term, 2023, No. 2778 NOTICE IS HEREBY GIVEN that on February 6, 2023, the petition of **Jennifer Leigh Hatch** was filed, praying for a decree to change her name to **Jennifer Leigh Peterkin**. The Court has fixed March 13, 2023 at 10:00 A.M., in Room No. 691, City Hall, Philadelphia, PA for hearing. All persons interested may appear and show cause if any they have, why the prayer of the said petitioner should not be granted.

2-16-1*

NON-PROFIT CHARTER

NOTICE IS HEREBY GIVEN that on September 7, 2021, Articles of Incorporation were filed with the Pennsylvania Department of State for **MVM North 40th Street Inc.**, a corporation organized under the Pennsylvania Nonprofit Corporation law of 1988, as amended, for the purpose of acquiring, developing, and managing housing for low-income persons.

2-16-1*



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LEGAL LISTING . 5

COURT NOTICES

IN THE SUPREME COURT OF PENNSYLVANIA

IN RE: : NO. 528
:
ORDER ADOPTING RULE 351 AND : MAGISTERIAL RULES DOCKET
AMENDING THE COMMENTS TO :
RULES 301, 302, AND 321 OF THE :
PENNSYLVANIA RULES OF CIVIL :
PROCEDURE GOVERNING ACTIONS :
AND PROCEEDINGS BEFORE :
MAGISTERIAL DISTRICT JUDGES :

ORDER

PER CURIAM

AND NOW, this 10th day of February, 2023, upon the recommendation of the Minor Court Rules Committee; the proposal having been published for public comment at 52 Pa.B. 3816 (July 9, 2022):

It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Pennsylvania Rule of Civil Procedure Governing Actions and Proceedings Before Magisterial District Judges 351 is adopted and the comments to Rules 301, 302, and 321 are amended in the attached form.

This Order shall be processed in accordance with Pa.R.J.A. 103(b), and shall be effective April 11, 2023.

Additions to the rule are shown in bold and are underlined.
Deletions from the rule are shown in bold and brackets.

MINOR COURT RULES COMMITTEE ADOPTION REPORT

Adoption of Pa.R.Civ.P.M.D.J. 351 and Amendment of the Comments to Pa.R.Civ.P.M.D.J. 301, 302, and 321

On February 10, 2023, the Supreme Court adopted Rule 351 and amended the Comments to Rules 301, 302, and 321 of the Pennsylvania Rules of Civil Procedure Governing Actions and Proceedings Before Magisterial District Judges (“Rules”), pertaining to challenges to civil violations issued via an automated side stop signal enforcement system on a school bus (“school bus camera”). The Minor Court Rules Committee has prepared this Adoption Report describing the rulemaking process as it relates to these changes. An Adoption Report should not be confused with Comments to the rules. See Pa.R.J.A. 103, cmt. The statements contained herein are those of the Committee, not the Court. The Committee published a proposal pertaining to violations issued via school bus cameras for public comment at 52 Pa.B. 3816 (July 9, 2022). The comment period ran through August 24, 2022. These rule changes become effective on April 11, 2023.

Act 38 of 2020 authorized the use of automated side stop signal enforcement systems on school buses to identify and issue civil violations to the owners of vehicles passing a stopped school bus when the red signal lights on the school bus are flashing and the side stop signal arms are activated. See 75 Pa.C.S. § 3345.1(a), (c). Using the camera footage, a system vendor provides violation data to the police department with coverage responsibility for the school district or the Pennsylvania State Police. See *id.* § 3345.1(h). The police department reviews the violation evidence from the vendor and authorizes the issuance of a notice of violation to the vehicle owner. See *id.* § 3345.1(h.2) (1). The notice of violation instructs the vehicle owner to either pay the fine as indicated on the

notice of violation or “request a hearing with the magisterial district judge for the purpose of contesting liability.” *Id.* § 3345.1(i.1)(1)(iv). If the owner does not pay the fine or contest liability within 30 days of the original notice, the police department may “turn the matter over to the magisterial district judge where the violation occurred. The magisterial district judge may assess liability upon the owner for failure to pay the fine or contest liability.” *Id.* § 3345.1(i.1)(2)(iii).

New Rule 351(c)(1) addresses when the vehicle owner contests liability for the alleged violation by filing a hearing request with the magisterial district court in the magisterial district where the alleged violation occurred. The vehicle owner must attach a copy of the notice of violation to the hearing request and it must be filed within 30 days from the original notice.¹ The vehicle owner must pay all filing and service costs at the time of filing or file a petition to proceed *in forma pauperis* pursuant to Rule 206E. The hearing notice is served on the police department by certified mail or comparable delivery method.

New Rule 351(c)(2) addresses when the vehicle owner fails to respond timely to the notice of violation either by paying the fine or requesting a hearing to contest liability. In those instances, the police department may “turn the matter over to the magisterial district judge.” See 75 Pa.C.S. § 3345.1(i.1)(2)(iii). A police department may do this by filing a civil complaint with the magisterial district court in the magisterial district where the alleged violation occurred, no earlier than 30 days from the date of the original notice. Except as otherwise provided by Rule 351, a complaint filed pursuant to subdivision (c)(2) will proceed in the same manner as any other civil complaint.

In an action brought pursuant to subdivision (c)(2), the only issue before the magisterial district judge is whether the vehicle owner timely responded to the notice of violation by paying the civil fine or contesting liability. 75 Pa.C.S. § 3345.1(i.1)(2)(iii). The underlying violation for passing a school bus is not the subject of a hearing on a complaint brought pursuant to subdivision (c)(2)(i) and the defenses in 75 Pa.C.S. § 3345.1(f) are not applicable.²

Relative to cost recovery, if the prevailing party has paid the filing and service costs, that party is entitled to recover taxable costs from the unsuccessful party. See 42 Pa.C.S. § 1726; see also Pa.R.Civ.P.M.D.J. 206B (pertaining to awarding of costs to a prevailing party). While it may be unusual for a police department to be a party in a civil matter in magisterial district court, the statute has prescribed these violations for passing a school bus as civil actions, not criminal.

Because these are civil actions, the unsuccessful party must pay the judgment amount directly to the prevailing party. See Rule 3.10(A)(2) of the Rules Governing Standards of Conduct of Magisterial District Judges (prohibiting a magisterial district judge from engaging in any activity related to the collection of a claim or judgment for money); see also Pa.R.Civ.P.M.D.J. 323, Comment (“The payments are to be made to the plaintiff and not to the magisterial district judge”).

The courts of common pleas have jurisdiction of appeals and writs of *certiorari* from judgments rendered by the magisterial district courts. “Except as otherwise prescribed by any general rule adopted pursuant to section 503 (relating to reassignment of matters), each court of common pleas shall have exclusive jurisdiction of appeals from final orders of the minor judiciary established within the judicial district.” See 42 Pa.C.S. § 932. An appeal from a judgment rendered by a magisterial district court or a *praecipe* for a writ of *certiorari* should be made to the court of common pleas for the judicial district. See Pa.R.Civ.P.M.D.J. 1001 *et seq.*

¹ The statute does not address the scenario when the vehicle owner initially pays the violation but later decides to request a hearing within 30 days of the original notice. Accordingly, such a provision was not incorporated in the Rules to accommodate this likely rare occurrence.

² This scheme is similar to zoning enforcement proceedings brought pursuant to the Municipalities Planning Code (“MPC”), 53 P.S. §§ 10101 *et seq.* Under the MPC, once an alleged violator has been given notice of a zoning violation pursuant to 53 P.S. § 10616.1, the alleged violator can seek an appeal with the municipality’s zoning hearing board but cannot defend the underlying charges before the magisterial district judge after failing to appeal. See *e.g.*, *City of Erie v. Freitas*, 681 A.2d 840, 842 (Pa. Cmwlth., 1996).

Court Notices continues on 26

COMING EVENTS

FEBRUARY 22

PA Business Law Quirks: What You Don’t Know Can Hurt Your Client

Webcast: 1:30 pm to 3:30 pm

2 substantive

Cost: \$149.00 Standard; \$75.00 Attorneys licensed 5 years or less, judicial law clerks & paralegals

For more information, contact the PBI Customer Experience Team at info@pbi.org or go to: www.pbi.org.

NALS of Philadelphia

NALS of Philadelphia is hosting a virtual After Dark Educational Seminar on Wednesday, February 22, 2023, at 7:00 p.m., featuring guest speaker, Sara Austin, Esquire, who will speak about “Quiet Quitting.” Ms. Austin will address whether this term is a trend, state of mind, burnout, or about setting boundaries. Registration is free for members and \$10 for non-members. Contact Karen Hardy (Karen.Hardy@troutman.com) to register; payment can be made via

Cash App: \$Ellagancetravel or Venmo: @Karen-Hardy-55. A Zoom link will be forwarded to registrants closer to the event.

NALS of Philadelphia is a non-profit, non-partisan, non-union association of legal secretaries, legal assistants/paralegals, law office administrators, court clerks, and other legal professionals affiliated with NALS, Inc. (www.nals.org) and NALS of Pennsylvania (www.nalsoftpa.org). NALS is dedicated to enhancing the competencies and contributions of members in the legal services industry through continuing legal education and increased professionalism.

FEBRUARY 23

Counseling Small Businesses

Webcast: 9:00 am to 12:20 pm

2 substantive/1 ethics

Cost: \$249.00 Standard; \$125.00 Attorneys licensed 5 years or less, judicial law clerks & paralegals

For more information, contact the PBI Customer Experience Team at info@pbi.org or go to: www.pbi.org.

FEBRUARY 28

Practical Cyber Security Strategies for You and Your Firm

Webcast: 9:00 am to 12:15 pm

2 substantive/1 ethics

Cost: \$249.00 Standard; \$125.00 Attorneys licensed 5 years or less, judicial law clerks & paralegals

For more information, contact the PBI Customer Experience Team at info@pbi.org or go to: www.pbi.org.

I N S I D E

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23	Civil Trial List		
18	Federal Court	23	Court of Appeals
24	Orphan’s Court	23	District Court

Court Notices

continued from 17

The Comments to Rules 301, 302, and 321 were amended to incorporate new Rule 351. The Comment to Rule 301 (Definition; Scope) was amended to provide that the Rules apply generally to school bus camera violations, except as otherwise provided by new Rule 351. The Comment to Rule 302 (Venue) was updated to add these new actions to the list of actions with special venue provisions. Finally, the Comment to Rule 321 (Hearings and Evidence) was amended to add a cross-reference to new Rule 351(d), providing exceptions to the evidentiary requirements in hearings on these new actions.

Rule 301. Definition; Scope.

- [A.](a) As used in this chapter, “action” means a civil action brought before a magisterial district judge.
- [B.](b) Civil action includes any action within the jurisdiction of a magisterial district judge except an action by a landlord against a tenant for the recovery of the possession of real property.
- [C.](c) As used in this chapter, “complaint” or civil action shall include, where applicable, the attached and completed Civil Action Hearing Notice form.

Comment: Civil action includes actions formerly denominated “assumpsit” or “trespass” (commonly called contract and tort cases, respectively) and civil claims for fines and penalties. See 42 Pa.C.S. § 1515(a)(3) prescribing the jurisdiction of magisterial district judges.

The rules in this chapter apply to all civil actions before magisterial district judges except an action by a landlord against a tenant for the recovery of possession of real property, which is governed by Chapter 500 of these rules.

Except as otherwise provided in [Rule 350] **Rules 350 and 351**, the rules in this chapter apply to: (1) *de novo* appeals filed pursuant to 75 Pa.C.S. § 3369(j)(4), relating to automated work zone speed enforcement violations[,] and (2) **actions filed pursuant to 75 Pa.C.S. § 3345.1(i.1), relating to civil violations for passing a stopped school bus with flashing red signal lights and an activated side stop signal arm.**

Statutes authorizing a civil fine or penalty include 53 P.S. §§ 10617.1 and 10817-A relating to violations of zoning and joint municipal zoning ordinances.

Rule 302. Venue

Comment: This rule combines, with some minor changes, the Pennsylvania Rules of Civil Procedure relating to venue. See:

- (1) Individuals: Pa.R.Civ.P. 1006(a).
- (2) Partnerships: Pa.R.Civ.P. 2130(a).
- (3) Corporations: Pa.R.Civ.P. 2179(a).
- (4) Insurance Policies: Pa.R.Civ.P. 2179(b).
- (5) Unincorporated Associations: Pa.R.Civ.P. 2156(a).
- (6) Political Subdivisions: Pa.R.Civ.P. 2103(b).

This rule is not intended to repeal special statutory venue provisions, such as the: (1) venue provisions for actions involving installment sales of goods and services, 12 Pa.C.S. § 6307; (2) venue provisions of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692i, pertaining to actions brought by debt collectors against consumers; [and] (3) venue provisions for appeals from automated work zone speed enforcement violations, 75 Pa.C.S. § 3369(j)(4); and (4) **venue provisions for actions filed pursuant to 75 Pa.C.S. § 3345.1(i.1), relating to civil violations for passing a stopped school bus with flashing red signal lights and an activated side stop signal arm.** See Pa.R.Civ.P.M.D.J. 382(1) (pertaining to Acts of Assembly providing for special venue provisions that are not suspended).

For a definition of “transaction or occurrence,” see *Craig v. W.J. Thiele & Sons, Inc.*, 149 A.2d 35 (Pa. 1959).

Subdivision G is intended to take care of indistinct, “center line” or other confusing boundaries in the respects mentioned. When a complaint is transferred under subdivision H, it is treated as if originally filed in the transferee court on the date first filed in a court. If service of the complaint has already been made, no new service may be necessary, but the transferee court must set a new date, time and place for the new hearing and notify the parties thereof. It is the intent of this rule that cases may be transferred to any Pennsylvania court with appropriate jurisdiction and venue, including the Philadelphia Municipal Court. Likewise, nothing in this rule prohibits a court other than a magisterial district court from transferring a case to a magisterial district court with proper jurisdiction and venue, in accordance with the procedural rules of the transferring court. The jurisdictional limits of the magisterial district courts and the Philadelphia Municipal Court are governed by 42 Pa.C.S. §§ 1515 and 1123, respectively.

There are no costs for transfer of the complaint and no additional filing costs when a case is transferred from one magisterial district court to another magisterial district court. There are no additional filing costs when a case is transferred from the Philadelphia Municipal Court to a magisterial district court.

There may be additional service costs when a case is transferred.

Rule 321. Hearings and Evidence

The magisterial district judge shall be bound by the rules of evidence, except that a bill, estimate, receipt, or statement of account that appears to have been made in the regular course of business may be introduced in evidence by any party without affidavit or other evidence of its truth, accuracy, or authenticity.

Comment: The exception to the rules of evidence provided by this rule was inserted because the Pennsylvania statutes making certain business entries admissible in evidence apparently do not apply to bills, receipts, and the like that are made in the regular course of business but are not made as “records.” See 42 Pa.C.S. § 6108. The fact that this exception permits the introduction of these items of evidence without affidavit or other evidence of their truth, accuracy, or authenticity does not, of course, preclude the introduction of evidence contradicting them. The exception was deemed necessary because the items of evidence made admissible thereby are probably the proofs most commonly used in minor judiciary proceedings. See [Rule 350 D(2)] **Rules 350D(2) and 351(d)** for additional exceptions applicable to appeals from automated work zone speed enforcement violations and actions filed pursuant to 75 Pa.C.S. § 3345.1(i.1), relating to civil violations for passing a stopped school bus with flashing red signal lights and an activated side stop signal arm.

– The following rule text is entirely new –

Rule 351. Action to Contest Civil Liability for Passing a School Bus with Flashing Red Lights and an Activated Side Stop Signal Arm; Failure to Respond to a Notice of Violation.

- (a) As used in this rule:
- (1) “Vehicle owner” means the owner of a vehicle alleged to have violated 75 Pa.C.S. § 3345, relating to enforcement of failure to stop for a school bus with flashing red lights and an activated side stop signal arm, brought pursuant to 75 Pa.C.S. § 3345.1.
 - (2) “Police department” means the police department issuing the notice of violation of 75 Pa.C.S. § 3345, relating to enforcement of failure to stop for a school bus with flashing red lights and an activated side stop signal arm, brought pursuant to 75 Pa.C.S. § 3345.1.
- (b) **Venue.** An action filed pursuant to this rule shall only be filed in the magisterial district court in the magisterial district where the alleged violation of 75 Pa.C.S. § 3345 occurred.
- (c) **Proceedings.**
- (1) **Vehicle Owner Request to Contest Liability.**
 - (i) A vehicle owner may contest the liability alleged in the notice of violation within 30 days of the mailing of the notice of violation by filing a hearing request form prescribed by the State Court Administrator together with a copy of the notice of violation.
 - (ii) The vehicle owner shall pay all costs for filing and service of the hearing request form at the time of filing or, if without the financial resources to pay the costs of litigation, the vehicle owner shall file a petition to proceed *in forma pauperis* pursuant to Rule 206E.
 - (iii) After setting the hearing date pursuant to Rule 305, the magisterial district judge shall serve the hearing request on the police department by mailing a copy to the police department at the address listed on the notice of violation by certified mail or comparable delivery method resulting in a return receipt in paper or electronic form. The return receipt shall show that the hearing request was received by the police department.
 - (2) **Vehicle Owner Fails to Respond to Notice of Violation.** If the vehicle owner fails to respond to the notice of violation within 30 days of the original notice by either paying the fine as indicated on the notice of violation or contesting liability as provided in subdivision (c) (1), the police department may file a civil complaint against the vehicle owner pursuant to Rule 303.
 - (d) **Evidence.** The hearing is subject to the standards of evidence set forth in Rule 321, except that photographs, videos, vehicle titles, police reports, and records of the Pennsylvania Department of Transportation may also be entered as evidence by any party without affidavit or other evidence of their truth, accuracy, or authenticity.

Comment: 75 Pa.C.S. § 3345.1 provides for automated side stop signal arm enforcement systems to identify and civilly fine the owners of vehicles failing to stop for a school bus with flashing red lights and an activated side stop signal arm. This rule was adopted to address the provisions of the statute that (1) allow a vehicle owner to contest liability for a notice of violation and (2) establishes a mechanism for a police department to file a complaint when a vehicle owner has failed to respond to a notice of violation.

Insofar as other procedures under these rules may be applicable, the vehicle owner shall be deemed the “defendant” and the police department shall be deemed the “plaintiff.”

A vehicle owner issued a notice of violation under 75 Pa.C.S. § 3345.1 may contest liability by requesting a hearing with the magisterial district judge in the magisterial district where the violation occurred. The initiating document in an action filed by a vehicle owner to contest liability is the hearing request form, which shall be used in lieu of a complaint.

If the magisterial district judge finds the vehicle owner liable for the violation, the vehicle owner shall pay civil fines incurred pursuant to 75 Pa.C.S. § 3345.1(c) to the police department and not to the magisterial district court. See Rule 3.10(A)(2) of the Rules Governing Standards of Conduct of Magisterial District Judges (prohibiting a magisterial district judge from engaging in any activity related to the collection of a claim or judgment for money); see also Pa.R.Civ.P.M.D.J. 323, Comment (“The payments are to be made to the plaintiff and not to the magisterial district judge”).

If the magisterial district judge enters judgment in favor of the vehicle owner, the vehicle owner is entitled to recover taxable costs from the police department. See Pa.R.Civ.P.M.D.J. 206B (“The prevailing party in magisterial district court proceedings shall be entitled to recover taxable costs from the unsuccessful party. Such costs shall consist of all filing, personal service, witness, and

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continued from 26

execution costs authorized by Act of Assembly or general rule and paid by the prevailing party.”). Procedures for enforcement of judgments, including judgments in favor of the plaintiff for taxable costs from the defendant, are set forth in Rules 401 *et seq.*

If the vehicle owner fails to respond to the notice of violation within 30 days of the original notice by either paying the fine as indicated on the notice of violation or contesting liability as provided in subdivision (c)(1), the police department may file a civil complaint against the vehicle owner in the magisterial district where the violation occurred pursuant to Rule 303. See 75 Pa.C.S. § 3345.1(i.1)(2)(iii). A complaint filed by a police department to enforce a notice of violation when the vehicle owner failed to respond will proceed as any other civil action filed pursuant to Rule 303 except as otherwise provided in this Rule. See also Pa.R.Civ.P.M.D.J. 206 (pertaining to costs).

Photographs, videos, vehicle titles, police reports, and records of the Pennsylvania Department of Transportation were added to the existing business record exceptions in Rule 321 because they are the proofs most likely to be used to support the permitted defenses to 75 Pa.C.S. § 3345.1(c).

See Rules 1001 *et seq.* for procedures to appeal a judgment rendered by a magisterial district judge or to file a *praecipe* for a writ of *certiorari* in civil actions, including actions brought pursuant to this rule.

IN THE SUPREME COURT OF PENNSYLVANIA

IN RE: REESTABLISHMENT OF THE : NO. 494
MAGISTERIAL DISTRICTS WITHIN :
THE 6th JUDICIAL DISTRICT OF THE : MAGISTERIAL RULES DOCKET
COMMONWEALTH OF PENNSYLVANIA :

AMENDED ORDER

PER CURIAM

AND NOW, this 8th day of February 2023, the Order dated June 28, 2022, that Reestablished the Magisterial Districts of the 6th Judicial District (Erie County) of the Commonwealth of Pennsylvania is hereby AMENDED as follows: Magisterial District 06-2-02 shall include Millcreek Township, Voting districts 3-10, 13-17, and 22-25. The Order of June 28, 2022 shall remain in effect in all other respects.

IN THE SUPREME COURT OF PENNSYLVANIA

IN RE: : NO. 509
: :
REESTABLISHMENT OF THE : MAGISTERIAL RULES DOCKET
MAGISTERIAL DISTRICTS WITHIN :
THE 49th JUDICIAL DISTRICT :
OF THE COMMONWEALTH OF :
PENNSYLVANIA :

Respondent

AMENDED ORDER

PER CURIAM

AND NOW, this 8th day of February, 2023, the Order dated August 23, 2022, that Reestablished the Magisterial Districts of the 49th Judicial District (Centre County) of the Commonwealth of Pennsylvania, is hereby AMENDED as follows: In MDC 49-1-01, State College Borough (Voting District East 2) and State College Borough (Voting District East 4) are consolidated into State College Borough PSU Hub (24-2). Furthermore, State College Borough (Voting District East Central 2) shall be listed as State College Borough (Voting District East Central 2 (29-1)). In MDC 49-3-03, South Phillipsburg Borough is no longer a separate voting district, and is now part of Rush Township. In MDC 49-3-05, State College Borough (Voting District East Central 1) is eliminated. State College Borough (Voting District East Central 2 (29-2)) is hereby added to MDC 49-3-05. The Order of August 23, 2022 shall remain in effect in all other respects.

To publish your Corporate Notices, Call: **Jennifer McCullough**
at **215-557-2321** Email : **jmccullough@alm.com**

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