

The Legal Intelligencer

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LEGAL LISTINGS

COURT NOTICES

IN THE SUPREME COURT OF PENNSYLVANIA

IN RE: PETITION TO ELIMINATE MAGISTERIAL DISTRICT COURT 32-1-31 PRIOR TO ORIGINAL SCHEDULED ELIMINATION DATE
NO. 541 MAGISTERIAL RULES DOCKET

ORDER PER CURIAM

AND NOW, this 26th day of April, 2024, upon consideration of the Petition to Eliminate Magisterial District Court 32-1-31 Prior to the Original Scheduled Elimination Date, it is hereby ORDERED AND DECREED that Petition is granted. By Order dated February 3, 2023, Magisterial District Court 32-1-31 was scheduled for elimination effective January 3, 2028. Magisterial Districts 32-1-30 and 32-1-32, within Delaware County, were also to be realigned, effective January 3, 2028. Due to an early judicial vacancy, Magisterial District Court 32-1-31, within Delaware County, shall be eliminated effective September 3, 2024, and Magisterial Districts 32-1-30 and 32-1-32, within Delaware County, shall be realigned, effective September 3, 2024.

Said Magisterial Districts shall be as follows:
Magisterial District 32-1-30
Magisterial District Judge George B. Dawson

Effective 9/3/24:
Eddystone Borough
Rutledge Borough
Ridley Township, Wards 1, 2, 3, 5, 6, 7, 8, 9
Magisterial District 32-1-32

Magisterial District Judge Michael F. Culp
Effective 9/3/24:
Morton Borough
Ridley Township, Ward 4

Springfield Township, Wards 1-1, 1-2, 2-1, 2-2, 2-3, 3, 4, 5, 7

SUPREME COURT OF PENNSYLVANIA Minor Court Rules Committee

NOTICE OF PROPOSED RULEMAKING

Proposed Adoption of Pa.R.Civ.P.M.D.J. 210.1 and Amendment of Pa.R.Civ.P.M.D.J. 320

The Minor Court Rules Committee is considering proposing to the Supreme Court of Pennsylvania the adoption of Pa.R.Civ.P.M.D.J. 210.1 and the amendment of Pa.R.Civ.P.M.D.J. 320, pertaining to (1) prohibitions on ex parte communications and (2) stipulated judgments, respectively, for the reasons set forth in the accompanying Publication Report. Pursuant to Pa.R.J.A. 103(a)(1), the proposal is being published in the Pennsylvania Bulletin for comments, suggestions, or objections prior to submission to the Supreme Court.

Any report accompanying this proposal was prepared by the Committee to include the rationale for the proposed rulemaking. It will neither constitute a part of the rules nor be officially adopted by the Supreme Court.

Additions to the text are bolded and underlined; deletions to the text are bolded and bracketed.

The Committee invites all interested persons to submit comments, suggestions, or objections in writing to:

Pamela S. Walker, Counsel
Minor Court Rules Committee
Supreme Court of Pennsylvania
Pennsylvania Judicial Center
PO Box 62635

Harrisburg, PA 17106-2635
FAX: 717-231-9546 minorrules@pacourts.us

All communications in reference to the proposal should be received by June 18, 2024. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

By the Minor Court Rules Committee,
Honorable James R. Edgcomb
Chair

– This is an entirely new rule –

Rule 201.1. Ex Parte Communication.

Unless otherwise authorized by law or state court rule, no person shall communicate with the magisterial district judge in any way regarding matters pending before the magisterial district judge unless all parties:

1. are present or have been copied if the communication is written or in electronic form;
or
2. have waived their presence or right to receive the communication.

(b) If the magisterial district judge receives any unauthorized ex parte communication, the magisterial district judge shall inform all parties of the communication and its content.

Comment: Generally, communications should include all parties. No unauthorized ex parte communications with the magisterial district judge are to occur. Authorized ex parte communications include those made in connection with proceedings for emergency protective orders, i.e., Pa.R.Civ.P.M.D.J. 1201 – 1211, which are ex parte proceedings. See Pa.R.Civ.P.M.D.J. 1207. Certain ex parte communications for scheduling, administrative, or emergency purposes that do not address substantive matters are permissible. See Rule 2.9(A)(1) of the Rules Governing Standards of Conduct of Magisterial District Judges.

Attorneys are bound by Rule 3.5 of the Rules of Professional Conduct. Magisterial district judges are bound by Rule 2.9 of the Rules Governing Standards of Conduct of Magisterial District Judges.

Attorneys and judges understand the impropriety of ex parte communications regarding matters pending before the magisterial district court but many participants are not attorneys or judges. This rule ensures that all parties receive the same information that is being presented to the magisterial district judge so that it may be challenged or supplemented.

Rule 320. Request to Withdraw Complaint; [Settlement] Settlements.

[A(1)](a) Withdrawal of Complaint.

(1) A plaintiff may withdraw [the] a complaint prior to [the] a commencement of [the] a hearing by filing a written notice of withdrawal with the magisterial district court. Upon receipt of such notice, the magisterial district court shall [note]:

- (i) **mark** the withdrawal of the complaint on the docket[.];
(ii) cancel any scheduled hearing, [(except for a consolidated hearing on a cross-complaint pursuant to [Rule 315B],) **Pa.R.Civ.P.M.D.J. 315B**]; and
(iii) notify the parties in writing that the complaint has been withdrawn.

[(2)](2)A withdrawal of [the] a complaint filed prior to [the] a commencement of [the] a hearing shall be deemed to be without prejudice. The plaintiff may file a new complaint on the same cause of action upon payment of all applicable fees and costs.

[B(1)](b) Settlements.

Settlement Without Stipulated Judgment.

[The] If the parties do not request the entry of a stipulated judgment pursuant to a settlement agreement, the parties may file a written notice of settlement of the complaint with the magisterial district court at any time prior to the entry of judgment. Upon receipt of such notice, **the magisterial district judge shall:**

Court Notices continues on 10

I N S I D E

Common Pleas Court:	4 Rules Returnable
3 Civil Listings	7 Superior Court
5 Criminal Listings	7 Supreme Court
4 Family Court	7 U.S. Bankruptcy Court
4 Mass Tort Asbestos	7 U.S. Court of Appeals
6 Municipal Court	2 Hearing List
9 Orphans' Court	7 U.S. District Court
16 Public Notices	2 Trial List

COURT OF APPEALS

CASES LISTED FOR DISPOSITION

MON., JUNE 3, 2024
Artoss Inc. v. Artoss GmbH et al. (SUBMIT); 23-1185.
Crystal Harris et al. v. Larry Krasner et al. (SUBMIT); 23-2068.
Ra9jibir Singh v. Attorney General United States of America (SUBMIT); 23-2601.
USA v. Dennis Edwards (SUBMIT); 23-2827.

CASES LISTED FOR DISPOSITION THE ALBERT BRANSON MARIS COURTROOM 19th Flr.

MON., JUNE 3, 2024
11:00 A.M.
Laura Catena et al. v. NVR Inc. (ARGUE); 23-1642.
Jane Doe v. Centerville Clinics Inc. (ARGUE); 23-2738.

DISTRICT COURT NOTICE

1. Counsel shall promptly notify the deputy clerk to each judge before whom he/she has a case listed upon becoming attached for trial in another court. To be accorded recognition, a busy slip, using the designated form, MUST be filed in Room 2609 before 1 p.m. on the day after counsel becomes attached.
2. Cases in the trial pools do not necessarily appear in the order in which they will be called. Counsel should therefore be ready to begin trial upon receiving telephone call notice, subject to the following:
(a) Counsel whose cases are in the pools will be given 48 hours' notice, if feasible, but not less than 24 hours notice to ready for trial with witnesses.
(b) It is counsel's responsibility to check with each judge's deputy clerk on the status and movement of criminal and civil cases in that judge's pool.
(c) Counsel will not be required to commence trial less than 24 hours after completing trial of another case.

J. GOLDBERG
Chief Judge

M.S. GOLDBERG, CH. J. Courtroom 17A

TUESDAY, JUNE 4, 2024 Jury Trial

10:00 A.M.
19-cv-0866
ATTIAS et al v. 532 BROOKLYN,

Trial Date

10:00 A.M.
18-cv-4853
FOSTER et al v. DEMK, LLC et a

MONDAY, JUNE 10, 2024 Jury Trial

09:30 A.M.
24-cr-0114
USA v. WILLIAMS

P.S. DIAMOND, J. Courtroom 14-A

Secretary/Courtroom Deputy: Richard Thieme
Phone: (267) 299-7730
Criminal Courtroom Deputy: Lenora Kashner Wittje
Phone: (267) 299-7739r

TUESDAY, JUNE 4, 2024 Sentencing

11:00 A.M.
20-cr-0320
USA v. SALERNO

WEDNESDAY, JUNE 5, 2024 Change of Plea Hearing

01:30 P.M.
24-cr-0026
USA v. MURILLO-GARCIA

THURSDAY, JUNE 6, 2024 Sentencing

01:30 P.M.
17-cr-0447
USA v. JONES

MONDAY, JUNE 10, 2024 Evidentiary Hearing

01:30 P.M.
23-cr-0537
USA v. MOORE

Revocation Superv Rls-FinalHrg

01:30 P.M.
09-cr-0173
USA v. THOMPSON

TUESDAY, JUNE 11, 2024 Status Conference/Hearing

01:30 P.M.
23-cr-0255
USA v. BAEZ

Trial Date

09:30 A.M.
22-cv-1379
STEWART v. WADE et al

SANCHEZ, J.

Scheduling Courtroom Deputy: Nancy DeLisle
Phone: (267) 299-7789
ESR/Courtroom Deputy: Stacy Wertz
Phone: (267) 299-7781

TUESDAY, JUNE 4, 2024 Revocation Superv Rls-FinalHrg

11:30 A.M.
06-cr-0229
USA v. NARANJO

06-cr-0469
USA v. NARANJO

Sentencing

09:30 A.M.
21-cr-0421
USA v. NORWOOD

WEDNESDAY, JUNE 5, 2024 Motion Hearing

01:30 P.M.
23-cv-0255
NELSON et al v. BANK OF AMERIC

Sentencing

09:30 A.M.
23-cr-0164
USA v. RAY

MONDAY, JUNE 10, 2024 Jury Trial

09:00 A.M.
23-cr-0364
USA v. BIVENS

21-cr-0326
USA v. CLARK

TUESDAY, JUNE 11, 2024 Sentencing

09:30 A.M.
11-cr-0104
USA v. LE

QUINONES ALEJANDRO, J. Courtroom 8B

Secretary/Civil Deputy: Nicole Philippi
(267) 299-7460
Criminal Deputy Clerk: Rosalind Burton-Hoop
(267) 299-7467

MONDAY, JUNE 10, 2024 Sentencing

11:00 A.M.
21-cr-0244
USA v. LEON-APONTE

TUESDAY, JUNE 11, 2024 Revocation Superv Rls-FinalHrg

10:00 A.M.
08-cr-0558
USA v. THOMAS

11:00 A.M.
01-cr-0748
USA v. PHYLLIAN

SCHMEHL, J.

Criminal Deputy Tanya L. Allender
Phone: 610-320-5030
Secretary/civil Deputy: Barbara A. Crossley
Phone: 610-320-5099
The Gateway Building
201 Penn St.
Room 518
Reading, PA 19601
3rd flr., Rm. 3041 when in Phila.

TUESDAY, JUNE 4, 2024 Motion Hearing

02:00 P.M.
23-cv-3424
DEJESUS JR. et al v. SANTIAGO

Sentencing

10:00 A.M.
19-cr-0673
USA v. WATKINS

WEDNESDAY, JUNE 5, 2024

Plea Agreement Hearing

01:30 P.M.
24-cr-0109
USA v. RKB HANDYMAN SERVICES,

G.A. MCHUGH, J.
Civil Deputy: Patricia Clark
Phone: 267 299-7301
Criminal Deputy: Christian Henry
Phone: 267-299-7307

BETLESTONE, J. Courtroom 3B

Civil Deputy Aaris Wilson
(267) 299-7450,
Criminal Deputy Nelson Malave
(267) 299-7459

TUESDAY, JUNE 4, 2024 Revocation Superv Rls-FinalHrg

10:00 A.M.
20-cr-0205
USA v. RILEY

MONDAY, JUNE 10, 2024 Revocation Superv Rls-FinalHrg

02:00 P.M.
09-cr-0262
USA v. THURMON

TUESDAY, JUNE 11, 2024 Motion Hearing

02:00 P.M.
23-cr-0320
USA v. WALTER

Sentencing

10:00 A.M.
23-cr-0526
USA v. DAVIS

KEARNEY, J.
Deputy Clerk: Ulrike Hevener
(267) 299-7688

TUESDAY, JUNE 4, 2024 Motion Hearing

04:00 P.M.
23-cr-0198
USA v. BARLETA

09:30 A.M.
23-cr-0379
USA v. BONAPARTE

Status Conference/Hearing

04:00 P.M.
23-cr-0198
USA v. BARLETA

09:30 A.M.
23-cr-0379
USA v. BONAPARTE

WEDNESDAY, JUNE 5, 2024 Sentencing

10:00 A.M.
16-cr-0521
USA v. GIL

12:00 P.M.
22-cr-0279
USA v. GIOE

THURSDAY, JUNE 6, 2024 Motion Hearing

09:00 A.M.
22-cv-0552
KOVALEV v. LABORATORY CORPORAT

Sentencing

12:00 P.M.
21-cr-0381
USA v. AMIN

PAPPERT, J.

Civil Deputy Katie Furphy
(267) 299-7530
Criminal Deputy Jeff Lucini
(267) 299-7537

TUESDAY, JUNE 4, 2024 Jury Trial

09:30 A.M.
23-cr-0239
USA v. MURRAY

Trial Date

09:30 A.M.
23-cv-4110
Rahman v. Leone

TUESDAY, JUNE 11, 2024 Arbitration Hearing

09:30 A.M.
23-cv-4080
COLEMAN v. ZOUNGRANA

Pretrial Conference/Hearing

02:00 P.M.
23-cr-0238
USA v. WILLIAMS

J.F. LEESON, JR., J.

Civil Duputy Clerk: Diane J. Abeles
(610) 391-7020
Criminal Deputy: Justin F. Wood
(610) 776-6118
Chambers of the Honorable Joseph F. Leeson, Jr.
United States District Court
Eastern District of PA.
Edward N. Cahn U.S. Courthouse, Suite 3401
504 W. Hamilton St.
Allentown, PA 18101
4th Flr., Rm. 4000 when in Phila.

FRIDAY, JUNE 7, 2024 Arbitration Hearing

09:30 A.M.
23-cv-0965
DE LA CRUZ v. DART CONTAINER C

C.F. KENNEY, J.

Criminal Deputy: Christopher Kurek
phone 267-299-7549
Civil Deputy: Shelli MacElderly
phone 267-299-7540
Chambers of the Honorable Chad F. Kenney.
United States District Court
Eastern District of PA.

TUESDAY, JUNE 4, 2024 Pretrial Conference/Hearing

09:00 A.M.
24-cv-0966
Meis, D.O. v. ARIA HEALTH PHYS

11:00 A.M.
23-cv-3886
CHISHOLM v. WAL-MART ASSOCIATE

Status Conference/Hearing

02:00 P.M.
19-cr-0533
USA v. ALVARADO

MONDAY, JUNE 10, 2024 Pretrial Conference/Hearing

09:30 A.M.
24-cv-0994
FOLEY v. ABF FREIGHT SYSTEM, I

J.D. WOLSON, J.

Civil Deputy: Jeannine Abed
Phone: (267) 299-7321
Criminal Deputy: Laura Buenzele
Phone: (267)299-7239

WEDNESDAY, JUNE 5, 2024 Sentencing

10:00 A.M.
22-cr-0356
USA v. LYNCH

J.M. YOUNGE, J.

Criminal Courtroom Deputy: Andrew Follmer
Phone: 267-299-7369
Civil Courtroom Deputy: Dedra Brannan
Phone: 267-299-7360

K. S. MARSTON, J.

Courtroom TBA
Courtroom Deputy/Criminal: Lara Karlson
phone: 267-299-7379

MONDAY, JUNE 10, 2024 Motion Hearing

02:00 P.M.
23-cv-5038
MATOS v. UBER TECHNOLOGIES, IN

10:00 A.M.
23-cr-0127
USA v. MANSARAY

TUESDAY, JUNE 11, 2024 Change of Plea Hearing

01:00 P.M.
22-cr-0129
USA v. DIAZ

Jury Selection

09:30 A.M.
23-cr-0127
USA v. MANSARAY

Motion Hearing

03:00 P.M.
23-cr-0309
USA v. CLARK-BOLDEN

The Legal Intelligencer

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 02:00 P.M.
 22-cr-0294 USA v. BURRELL
J. M. GALLAGHER, J.
Courtroom TBA
 Courtroom Deputy/Criminal: Christine Stein
 phone: 610-391-7012
 Courtroom Deputy Civil: Brian Dixon
 phone: 610-434-3457

TUESDAY, JUNE 4, 2024
Sentencing
 09:30 A.M.
 23-cr-0026 USA v. GILLARD

WEDNESDAY, JUNE 5, 2024
Final Pretrial Conference
 09:30 A.M.
 23-cv-0744 Crespo et al v. MARS WRIGLEY C

THURSDAY, JUNE 6, 2024
Pretrial Conference/Hearing
 01:00 P.M.
 23-cv-3087 MOORE v. RESTORE INTEGRATIVE W

Sentencing
 03:00 P.M.
 23-cr-0375 USA v. DALEUS

MONDAY, JUNE 10, 2024
Sentencing
 09:30 A.M.
 23-cr-0026 USA v. GILLARD
 23-cr-0026 USA v. GILLARD

TUESDAY, JUNE 11, 2024
Pretrial Conference/Hearing
 01:00 P.M.
 23-cv-4933 SWAIN v. ALLIED UNIVERSAL

Sentencing
 02:00 P.M.
 24-cv-1020 SOLTYSIAK v. PENN STAINLESS PR

Sentencing
 09:30 A.M.
 23-cr-0026 USA v. SANCHEZ

PEREZ, J.
COURTHROOM 3H
Courtroom Deputy Danielle
Hughes
267-299-7420

WEDNESDAY, JUNE 5, 2024
Final Pretrial Conference
 01:00 P.M.
 22-cv-0815 WSFS FINANCIAL CORPORATION v.

MONDAY, JUNE 10, 2024
Sentencing
 10:00 A.M.
 23-cr-0250 USA v. RODRIGUEZ

TUESDAY, JUNE 11, 2024
Status Conference/Hearing
 02:30 P.M.
 23-cv-2722 SWEARER v. TMCPA, INC

HODGE, J.
TUESDAY, JUNE 4, 2024
Motion Hearing
 10:00 A.M.
 23-cr-0443 USA v. CLEMONS

WEDNESDAY, JUNE 5, 2024
Motion Hearing
 10:00 A.M.
 23-cv-2273 MAGGITT v. HON. BRET M. BINDE

THURSDAY, JUNE 6, 2024
Motion Hearing
 12:00 P.M.
 22-cv-2211 DUTTON v. DARBY BOROUGH et al

TUESDAY, JUNE 11, 2024
Change of Plea Hearing
 01:00 P.M.
 23-cr-0281 USA v. BATTLE

MURPHY, J.
MONDAY, JUNE 10, 2024
Pretrial Conference/Hearing
 10:00 A.M.
 24-cv-0870 WENTWORTH v. CARGROUP HOLDINGS

TUESDAY, JUNE 11, 2024
Motion Hearing
 02:00 P.M.
 15-cv-4224 SUMMERS v. CITY OF PHILADELPHI

Pretrial Conference/Hearing
 02:00 P.M.
 15-cv-4224 SUMMERS v. CITY OF PHILADELPHI

Sentencing
 10:00 A.M.
 23-cr-0294 USA v. MCELROY

SCOTT, J.
Courtroom TBA
 Courtroom Deputy: Sue Flaherty
 Phone: 267-299-7598

WEDNESDAY, JUNE 5, 2024
Sentencing
 09:30 A.M.
 23-cr-0448 USA v. ALLEN

THURSDAY, JUNE 6, 2024
Status Conference/Hearing
 10:00 A.M.
 24-cr-0037 USA v. TURNER

MONDAY, JUNE 10, 2024
Sentencing
 02:00 P.M.
 23-cr-0447 USA v. ATCHISON

Show Cause Hearing
 09:00 A.M.
 24-mc-0027 UNITED STATES OF AMERICA v. RS

H. BARTLE, III, S.J.
TUESDAY, JUNE 11, 2024
Arbitration Hearing
 09:30 A.M.
 22-cv-4422 CAMPITELLI v. PLYMOUTH ROCK AS

Sentencing
 02:00 P.M.
 23-cr-0003 USA v. WEST

09:30 A.M.
 20-cr-0254 USA v. WANG

11:30 A.M.
 20-cr-0254 USA v. LANE

J. R. PADOVA, S.J.
Courtroom 17B
 Criminal Deputy Clerk: Michael Beck
 Phone: 267-299-7409
 Deputy Clerk Civil: Malissa Wolenski
 Phone: 267-299-7459

TUESDAY, JUNE 4, 2024
Motion Hearing
 02:00 P.M.
 23-cr-0209 USA v. BYRD

A. B. BRODY, S.J.
Courtroom 7B
 Scheduling/Deputy Clerk: Joseph Walton
 Phone: 215-597-3978
 ESR-Courtroom Deputy: Jim Scheidt
 Phone: 267-299-7439

WEDNESDAY, JUNE 5, 2024

Sentencing
 10:30 A.M.
 23-cr-0185 USA v. FUNDERBURK

R. SURRICK, S.J.
 Secretary Civil Deputy: Donna Donohue Marley
 Phone: 267-299-7630
 Criminal Deputy Clerk: Patrick Kelly
 Phone: 267-299-7639

C.M. RUFFE, S.J.
 Scheduling/Deputy Clerk: Kristen Pepin
 Phone: (267) 299 -7490
 Fax: (267) 299-5077
 ESR/Courtroom Deputy: Erica Pratt
 Phone (267) 299-7499

TUESDAY, JUNE 4, 2024
Sentencing
 10:30 A.M.
 22-cr-0104 USA v. ORTH

WEDNESDAY, JUNE 5, 2024
Final Pretrial Conference
 10:00 A.M.
 21-cv-1435 STOKES et al v. CARNEY

Trial Date
 01:00 P.M.
 20-cv-4333 STUFF ELECTRONICS (DONG GUAN)

THURSDAY, JUNE 6, 2024
Sentencing
 02:00 P.M.
 17-cr-0198 USA v. PEREZ-ORTEGA

10:30 A.M.
 23-cr-0214 USA v. DELACRUZ
M. BAYLSON, S.J.

TUESDAY, JUNE 4, 2024
Revocation Superv Rls-FinalHrg
 03:00 P.M.
 04-cr-0333 USA v. HIGHT

Sentencing
 02:00 P.M.
 23-cr-0204 USA v. ADAMS

MONDAY, JUNE 10, 2024
Jury Trial
 09:30 A.M.
 16-cv-0573 RAZAK et al v. UBER TECHNOLOGI

24-cr-0022
 USA v. SEABREEZE

T. J. SAVAGE, S.J.
Courtroom 9A
 Courtroom Deputy: Alex Eggert
 Phone: 267-299-7599
 Judicial Secretary: Joanne Tyer
 Phone 267-299-7480

TUESDAY, JUNE 4, 2024
Motion Hearing
 09:30 A.M.
 24-cr-0053 USA v. LANG

Show Cause Hearing
 10:30 A.M.
 12-cr-0512 USA v. RODRIGUEZ

THURSDAY, JUNE 6, 2024
Jury Trial
 09:00 A.M.
 23-cr-0172 USA v. CASTILLO MORONTA

MONDAY, JUNE 10, 2024
Motion Hearing
 09:30 A.M.
 23-cv-5126 WOODWARD v. BASHORE et al

Show Cause Hearing
 10:30 A.M.
 23-cv-3752 COVINGTON et al v. PARKER et a

TUESDAY, JUNE 11, 2024
Motion Hearing
 10:00 A.M.
 23-cv-4459 BRANCA v. TARGET CORPORATION

J. H. SLOMSKY, S.J.
Courtroom Deputy: Matt
Higgins
 Courtroom Deputy: Matt Higgins
 Phone: 267-299-7349
 Civil Deputy: Kelly Haggerty
 Phone: 267-299-7340

TUESDAY, JUNE 4, 2024
Motion Hearing
 02:30 P.M.
 23-cr-0539 USA v. WARD

10:00 A.M.
 24-cv-0025 CORBITT v. PROGRESSIVE ADVANCE

Preliminary Hearing
 02:30 P.M.
 23-cr-0539 USA v. WARD

THURSDAY, JUNE 6, 2024
Motion Hearing
 10:00 A.M.
 23-cv-2015 RICHARDSON v. UNITED STATES

23-cv-3089
 RICHARDSON v. UNITED STATES

Sentencing
 02:30 P.M.
 21-cr-0247 USA v. REMBERT

MONDAY, JUNE 10, 2024
Jury Trial
 09:30 A.M.
 23-cr-0539 USA v. WARD

Sentencing
 10:30 A.M.
 22-cr-0341 USA v. RIVERS

TUESDAY, JUNE 11, 2024
Sentencing
 02:30 P.M.
 22-cr-0341 USA v. HARRIS

23-cr-0458
 USA v. AYALA

22-cr-0341
 USA v. LEWIS

Settlement Conference
 10:00 A.M.
 22-cv-1006 CHEMLOGIX LLC v. BULK TAINER L

C. S. WELLS, M.J.
 Deputy Clerk: Edward Andrews
 Phone: 215-597-7833

E. T. HEY, M.J.
 Courtroom Deputy: Mia Harvey
 phone (267) 299-7670

L.A. SITARSKI, M.J.
 Deputy Clerk: Regina M. Zarnowski
 Phone: 267-299-7810

R.A. LLORET, M.J.

MONDAY, JUNE 10, 2024
Settlement Conference
 02:00 P.M.
 23-cv-4038 SMITH v. HMP COMMUNICATIONS LL

CARLOS, M.J.
WEDNESDAY, JUNE 5, 2024
Settlement Conference
 09:30 A.M.
 23-cv-4486 JORDAN v. LAFAYETTE COLLEGE

THURSDAY, JUNE 6, 2024
Status Conference/Hearing
 02:30 P.M.
 23-cv-3917 ROMERO-CASTRO v. CHAND et al

MONDAY, JUNE 10, 2024
Settlement Conference
 09:30 A.M.
 24-cv-0645 REBLOCK v. ALTOMONTE DOYLESTOW

STRAW, M.J.
TUESDAY, JUNE 11, 2024
Settlement Conference
 10:00 A.M.
 21-cv-4860 Johnson v. City of Reading et

ARTEAGA, MJ
COURTROOM 3H
Courtroom Deputy

COMMON PLEAS COURT
CASE MANAGEMENT
CONFERENCE LIST

CASE MANAGEMENT
PROGRAM
ROOM 613
CITY HALL

Any questions regarding the Case Management Program should be directed to CivilCaseManagement@courts.phila.gov

MON., JUNE 3, 2024
8 A.M.
 0012308-3175B. R. Smith
 Stremmel et al. v.Fmc Corp. et al.
 Z. J. Ballard

0022402-2564T. F. Rayne; V. P. Bucci II
 Demillion et al. v.Godshall et al.
 A. V. Romanowicz; H. K. Donofrio; R. C. Pugh; R. E. Dillon

0032402-2737D. J. Sherry; F. S. Eisenberg; J. A. Colliver
 Fornaro v.Millennium Outdoors et al.
 J. D. Reilly

0042402-2839D. I. Gelinias; R. A. Gelinias
 Raymond v.Bassetts Ice Cream At The Terminal Inc.
 A. R. Benedict; L. M. Mayes

0052402-2890B. S. Chacker
 Richardson v.Rosenthal et al.
 0062402-2917K. Gaynier
 Gwyn et al. v.Pa. Real Estate Investment Trust et al.
 N. R. Bohlander

9 A.M.
 0012403-2093J. T. Antz; T. G. Daly
 Williams et al. v.Greater Philadelphia Young Men's
 A. J. Shaw; D. S. Altschuler; J. H. Feigenbaum; J. T. Donovan

0022403-2094J. M. Fein; K. D. Shire; M. J. Shavel
 Secretary of Veterans Affairs An Officer of The Un v.Greater Philadelphia Young Men's

0032403-2097
 Johnson v.Johnson et al.
 0042403-2102T. A. Russeck
 Coleman v.Federal Express Corp. et al.
 B. F. Datt; S. R. Engle

0052403-2142C. M. Wolpert; J. A. Copley
 Unlimited Restoration Specialists Inc. v.Dch Con
 S. J. Schwartz
 0062403-2147
 Wearen v.Simms
9:30 A.M.
 0012310-0103A. Salomon Gnecco; P. J. Toner
 Prime Cash Offer, Llc v.Knight

0022403-0673Z. M. Ford
Pritzker Law Group Llc v.Nm Vihaan Development, L
D. M. Shafkowitz
1 P.M.
0012307-2878R. B. George
Morris v.Liberty Mutual Insurance Company
M. M. Dibruno; R. T. Grolnick
0022312-2647J. D. Ferris
Gamal et al. v.Seneca Insurance Company Inc.
D. Grossman; P. R. McHugh; R. T. Horst
0032402-1386J. D. Rosen
Peele et al. v.Beautiful Beginners Childcare Ctr.
0042403-2148G. Remick; J. F. Laffey; S. I. Reich; V. P. Bucci II
Khozratkulov et al. v.Medical Products Laboratories
L. C. Fantini; T. McDevitt Hagan
0052403-2154A. J. Pantano; J. F. Puga; L. E. Bendesky
Lohan et al. v.Skepton Construction Inc.
D. D. Krebbs
0062403-2170W. C. Bensley
Christmann v.The Rosado Group et al.
G. F. Lipski
0072403-2175M. I. Simon
Lowe v.Cornie
A. R. Benedict; R. S. Johnson
0082403-2177A. J. Davidson
Torres v.Lopez et al.
B. A. Carter; T. E. Palmer
10 A.M.
0012307-2564B. S. Zero
Pine v.Grants
0022402-1250G. Schafkopf; L. A. Dijiaco; M. B. Weisberg
Srbijanka Zivku Life Trust Dated February 12, 2012 v.Grants
0032403-2190G. S. Shields
Equipment Depot Ohio Inc. v.K.J. Williams Concre
0042403-2191K. M. Blake
Descher et al. v.United Services Automobile Associa
A. L. Krupp; Y. L. Dadoun
0052403-2192M. I. Simon
Diakite v.Martin et al.
S. Kivell
10:30 A.M.
0012403-2324J. A. Zenstein
Everett et al. v.American Economy Insurance Company
M. S. Savett; T. H. Zamostien
0022403-2328T. W. Harrity
Do v.Allstate Property And Casualty Insurance Co.
11 A.M.
0012403-1362S. B. Weinstock; S. A. Britten
Maloney v.City of Philadelphia et al. et al.
M. L. Fink
0022403-2222M. I. Simon
Neal v.Commonwealth of Pennsylvania Department of
J. R. Eyre
0032403-2226M. I. Simon
Lewis et al. v.Riggio et al.
A. A. Griffith; K. M. Frascella; T. G. Nalencz
0042403-2238W. E. Sylanteng
United State Liability Insurance Company v.Lopez
F. E. Blakelock
0052403-2240A. S. Gilbert
Marple et al. v.One Liberty Place et al.
W. M. Brennan; G. Mercogliano; S. L. Phelan
11:30 A.M.
0012311-3119C. B. McClain
Paquette v.Lewis
0022312-0222N. L. Palazzo
Sok v.Puello et al.
0032401-1080M. I. Simon
Harrington v.Abraha
J. D. Cella
2 P.M.
0012403-2194M. I. Simon
Peak v.Acme Markets Inc. et al.
A. L. Pipari
0022403-2199M. I. Simon
Clayton v.Womack et al.
0032403-2200M. J. Dougherty
Trust Bank v.Latimer
0042403-2205M. F. Greenfield
Marshall et al. v.Duc Tong
0052403-2212
Hardee Brown v.Benitez et al.
0062403-2216J. E. Fine; J. C. Larosa
Pagan v.Hall et al.
0072403-2217M. I. Simon
Hughes v.Everest National Insurance Company
D. P. Czup
0082403-2220D. E. Weisgold
Raymond et al. v.Philadelphia Gas Works
R. D. Townsend
3 P.M.
0012403-2248M. A. Lipman; R. J. Lechette
Schuster et al. v.Ym2518, Llc

0022403-2266A. J. Pantano; J. L. Howell; L. E. Bendesky
Tessein v.Beaufort et al.
0032403-2286M. J. Dougherty
Rock Creek Capital, Llc. v.Ernandes et al.
0042403-2287F. Bizzari; K. W. Kofsky
Cosby v.Fiser Iss & Co., Trustee Fbo Howard N. Sn
B. L. Calistri; C. N. Depersia; C. A. McLaughlin; C. G. Mavros; R. L. Gawronski; R. D. Townsend; T. Young; V. Konoval
0052403-2302C. F. Bagnato
De Batista v.Any And All Occupants
0062403-2314E. J. Gilson
McLean v.Robinson et al.
0072403-2316L. P. Haller
McLp Asset Company Inc. v.Keith et al.
0082403-2319A. Vanwagner
Davids v.Hayari et al.
THU., JUNE 6, 2024
9:30 A.M.
0012401-1612L. A. Mester
Song v.All Occupants
0022401-2124L. A. Mester
Jwmz Realty Llc v.All Occupants
0032402-1414M. H. Galanos
Deplante v.Walker
B. A. Carter; R. L. Stutman
1 P.M.
0012311-2218J. N. Manis; K. Bates; M. C. Fallings
Us Bank Trust Company, National Association v.W.n
10:30 A.M.
0012402-1253R. F. Datner
Campos Mancia v.Glace et al.
S. C. Gottel
11 A.M.
0012401-0841S. A. Anyan
Smith et al. v.Cruz Martinez et al.
C. M. Spalding-Daniels
0022402-3166J. Katz
Anew Properties Llc v.All Unknown Occupants of 1
11:30 A.M.
0012402-0355
Henson-Alston Sr v.Austin
0022402-1538S. Ostroff
Kane et al. v.Doe
0032402-1551J. C. Spang
Holcomb v.Jackson et al.
2 P.M.
0012402-1085
Gao et al. v.All Unknown Occupants
0022403-0972M. Breslin
Azuakoemu v.Wadlington et al.
B. C. Evangelist
RULES RETURNABLE
MON., JUNE 3, 2024
10:30 A.M.
0012309-0193 W. P. Murray III
Camley et al. v.Bhp Services, Llc et al.
A. R. Woolsey; J. M. Carolan; S. P. Omahoney
12 P.M.
0012208-0090 L. K. Hill
Hall v.Lindy Communities et al.
C. B. Maslowski; G. F. Lipski
3 P.M.
0012207-1861 J. E. Hockenberry; L. Aussprung
Harrington et al. v.The Trustees of The Univ.
A. N. Parrilla; F. A. Gerolamo; J. L. Garbarino
0022210-0679 E. Igwe
Johnson et al. v.City of Philadelphia et al. et al.
N. M. Lyons; T. H. Lipscomb
MASS TORT - ASBESTOS CASES
2024 ASBESTOS TRIAL LIST
JUNE 3, 2024
2814 BROOKMAN MESOTHELIOMA
1. 221100275 RANONIS
2815 WEITZ MESOTHELIOMA
1. 220501652 CLUNK
2. 220800294 PAVLICK
3. 221102188 DAVIDSON
4. 221202062 ROTTE
2816 WEITZ LUNG CANCER
1. 220202463 ROSSOMANDO
2. 220602722 SCHMIDT
3. 220700267 GOMEZ
4. 220700687 FOSTER
5. 220700698 FROMM
6. 220702412 ALBRIGHT
7. 220900551 HARTLEY
8. 220901191 MCLAUGHLIN
9. 221000685 MCGARRY
2817 NASS LUNG CANCER
1. 211201131 FLOWER
2. 220602698 JEFFERSON
3. 220900725 PERRUSO
4. 221101647 DIMEGLIO
5. 221201818 MOORE
6. 221201856 COX
JULY 15, 2024
2818 HALPERN MESOTHELIOMA
1. 220402383 STARKEY
2. 220601041 ECKENROTH
3. 220601788 EUCLIDE
4. 220700005 ECKENROTH
5. 220900488 ECKENROTH
6. 220900887 STARKEY
7. 220901220 EUCLIDE
8. 221000920 EUCLIDE
9. 221202639 CARLISLE
10. 231101332 CARLISLE
2819 MAUNE RAICHLE
1. 220202466 KIRK
2. 220400007 MYRA
3. 220600174 RAPETTI
4. 220901249 HARRIS
5. 221101473 MYRA
2820 WEITZ LUNG CANCER
1. 220801342 HAMILTON
2. 220802391 ZELLERS
3. 221100579 VANPELT
4. 221102008 HAYGOOD
5. 221102642 RYAN
6. 221200679 RUGGIERO
7. 221200762 MCDONALD
2821 NASS LUNG CANCER
1. 200702026 PRESTON
2. 200802893 WILLIAMS
3. 201201545 FORMICA
4. 210700250 MCFARLAND
5. 211200342 BANDISH JR
6. 220200633 WALKER
7. 220301714 MAYER
8. 221102144 FITZPATRICK
9. 220401583 FALLEN
AUGUST 12, 2024
2822 NACHAWATI LUNG CANCER
1. 211000733 LUKOWSKI
2. 211101948 SNOW
3. 220202445 PETERS
4. 220400326 NOBLES
5. 220800887 SNOW
2823 WEITZ OTHER CANCER
1. 220702190 GRAHAM
2. 220902887 WOJCIK
2824 WEITZ NON-MALIGNANCY
1. 220400553 POTTS
2. 220600038 KOZAK
3. 220801616 ROMANOVICH SR
4. 220802446 SEBASTIAN
5. 221002470 ARMSTEAD
2825 HALPERN NON-MALIGNANCY
1. 220402483 PXCR-GORCZYNSKI
2. 220500287 PETICCA
3. 220601912 DURHAM
4. 220701634 SCHAEFFER
5. 221202556 TURNER
6. 210501003 PIKE
7. 210802260 PXCR-FELDHAUS
9. 221200021 PLF-COOPER JR
SEPTEMBER 9, 2024
2826 WEITZ MESOTHELIOMA
1. 210902481 BOWERS
2. 220201264 RICHER
3. 220301628 ALEXATOS
4. 220400549 IRVIN
5. 220502761 MCDONALD
6. 220600226 ZLOTNICK
7. 220800837 HARRISON
8. 221001548 HOFFMAN
9. 221202483 DICKSON
2827 HALPERN LUNG CANCER
1. 220301785 JENKINS
2. 220302511 VITKOSKY
3. 220302707 BUBIER
4. 220400419 DEVINNEY
5. 220500528 TEES
6. 220601708 BEERS
7. 220700547 LAVIGNE
8. 220701298 TEES
9. 221001684 HANNA
10. 221202208 WILK
11. 221201767 NICHLAS
2828 NASS NON-MALIGNANCY
1. 220400495 LEEMAN
2. 220401034 NIZZARDI
3. 220602662 EKES
4. 220902784 SMITH
5. 221001439 CAMPBELL
6. 221101822 KERSTING
7. 220302529 HATCH
OCTOBER 15, 2024
2829 SHEIN MESOTHELIOMA
1. 221202056 DULFER
2. 230503096 DULFER
3. 200801701 TODD
4. 200900257 TODD
5. 211200382 MCLAUGHLIN WILLIAMS
6. 211201817 PXCR-CONANT
7. 220901975 PXCR-COCHRAN
8. 221201444 GIARROCCO
9. 221101399 GABRIS
2830 HALPERN MESOTHELIOMA
1. 220500535 -THOMPSON
2. 220502564 IWASYK
3. 221201669 DEPIETRO
4. 221202109 STAM
5. 211102209 SORACE
2831 WEITZ LUNG CANCER
1. 220501891 HAYES
2. 220502477 CICCI
3. 220800452 JARVI
4. 220800576 MARSHALL
5. 220803089 PLAFCAN
6. 220900238 FERRARI
7. 220901796 KICHLINE
8. 221102725 MCCAULEY
9. 221201945 GALLAGHER
2832 NASS OTHER CANCER
1. 210700328 SHIMP
2. 220701190 KINLAW
3. 220802014 SMITH
4. 221202414 HUGUES
5. 231102927 HUGUES
NOVEMBER 4, 2024
2833 BROOKMAN MESOTHELIOMA
1. 210901684 WOOD
2. 220200935 DICKINSON
3. 221001638 HAWKES
4. 221100310 WOOD
5. 221200951 FITZGERALD
6. 230100003 JAMES
7. 220100102 MARTIN
8. 220102071 CALABRO
9. 220302742 WRIGHT
10. 220502309 MOORE
11. 220700701 OSSWALD
12. 220900769 MAZZA
13. 221102439 CONNOR
14. 240202791 WRIGHT
2834 WEITZ MESOTHELIOMA
1. 211201875 FERREIRA

2. 220101313 BISSEN
3. 220101625 CASTILLO
4. 220201836 CARABIN
5. 220400576 PAPP
6. 220800150 LEPORE
7. 220800692 RICHMAN
8. 220802390 WALTER
9. 220300211 GOODWIN
10. 220500009 MYLET
DECEMBER 9, 2024
2835 WEITZ LUNG CANCER
1. 221001859 WHITE
2. 221002198 DECARLO
3. 22101046 WHITEHEAD-WOODLEY
4. 221201164 SMITH
5. 221201612 GERHART
6. 221202511 HAKLAR
7. 221202603 COSIC
8. 221202699 WILSON
9. 221202705 SCOVIAK
2836 NASS LUNG CANCER
1. 220302052 ZYLAK
2. 220700466 MILNER
3. 220802592 COUGHLIN
FAMILY COURT DIVISION
JUNE 3, 2024
ADMINISTRATION AND MISCELLANEOUS
1501 ARCH ST.
MURPHY, A.J.
JUVENILE BRANCH
FAMILY COURT BUILDING
1501 ARCH ST.
Juvenile Justice Service Center
YSC MASTER
Courtroom-3G
JCHO CICCONE M, TH 9:30 A.M.
JCHO SHULER T, W
JCHO CICCONE TH 12:30 P.M.
3E CASES HEARD IN 3G
Courtroom--4A
JCHO CICCONE (closed M)
Courtroom--4B
JCHO GIUSINI M-TH (closed F)
Courtroom--4C
GREY, J.
Courtroom--4D
MCCABE, J.
Courtroom--4E
FERNANDES, J. (closed)
Courtroom--4G
IRVINE, J. (closed W)
Courtroom--5A
BARISH, J.
Courtroom--5B
MCLAUGHLIN, J. (closed TH,F)
Courtroom--5C
CANTY, J. (closed TH,F)
Courtroom--5D
SABATINA, J.
Courtroom--5E
JCHO SHULER, J. (T)
IRVINE, J. (W)(closed M,TH,F)
Courtroom--5F
GORDON, J. (closed T,TH)
Courtroom--5G
JCHO STOKES
Courtroom--6H
GORDON, J. (T & TH)
JCHO MCCULLOUGH (T & TH)
DOMESTIC RELATIONS/
FAMILY COURT BUILDING
1501 ARCH ST.

Smith v. Manheim Philadelphia; 3104 EDA 2023; Motion For Enlargement Of Time To Submit Brief And Submission Of A Reduced Number of Briefs; docketed as "Application for Relief;" filed by pro se incarcerated Appellant James W.S. Smith, Jr., and there being no response in opposition thereto, the Application is Granted. Appellant's Brief shall be due on or before May 29, 2024.

Com. v. Thornton-Bey; 638 EDA 2024; The application of Appellant, Jaffa Thornton-Bey, for extension of time to file Brief the application is hereby granted In Part. No further extensions shall be granted absent extenuating circumstances. Appellant's Brief shall be filed on or before July 19, 2024.

The Dime Bank v. Johns; 2776 EDA 2023; Motion to Consolidate Appeals Pursuant to Rule 513, Pa.R.A.P., docketed as "Application for Consolidation," filed by Appellants Allen P. Johns, III; Dawn Johns A/K/A Dawn E. Johns; Have A Hoot, LLC; Community Rental Centers, Inc.; and Pike Underground, Inc.; the Application is Denied without prejudice. The Prothonotary is Directed to list the appeals at 2776 EDA 2023 and 2970 EDA 2023 Consecutively.

Manna v. Manna; 2662 EDA 2023; Appellant to show cause as to how the Order on appeal satisfies the three-prong test set forth in Pa.R.A.P. 313(b). Appellant responded, but the response is insufficient to support appealability. Accordingly, the above-captioned appeal is Quashed.

Com. v. Burton; 106 EDA 2024; The PCRA court is ORDERED to notify the Prothonotary of this Court of its determination of Appellant's eligibility for counsel and the status of Appellant's representation pursuant to the February 13, 2024 Order of this Court, within seven (7) days of the date that this Order is filed.

Cleveland Brothers Equipment Company, Inc. v. Arcadia North Land, LLC; 2139 EDA 2023; Petition for Standard Oral Argument; docketed as "Application for Relief;" filed by Appellant Cleveland Brothers Equipment Company, Inc., and noting no response thereto, the Application is Granted and the case shall be placed on the daily list for standard argument.

Weiner v. Intelycare, Inc.; 2096 EDA 2023; Application to File a Reply Letter Nunc Pro Tunc Requesting Oral Argument; docketed as "Application for Relief;" filed by Appellant Matthew Weiner, the Application is Granted and the case shall be placed on the daily list for standard argument.

APPEALS FILED

Lurube Developers, LLC v. Purul; 1329 EDA 2024; from order of Phila Cty; 100587; A. Dubroff.

Com. v. Gadson; 1330 EDA 2024; from order of Phila Cty; CP-51-CR-0009124-2022; A. Marcus.

Com. v. Hraperi; 1331 EDA 2024; from order of Chester Cty; CP-15-0006425-2019.

Com. v. Arroyo; 1332 EDA 2024; from order of Phila Cty; CP-51-CR-0002006-2022; A. Marcus.

Mann v. Grak; 1287 EDA 2024; from order of Phila Cty; OC1302259.

Uddin v. Board of Trustees; 1288 EDA 2024; from order of Phila Cty; 2021-10601; A. Soliman.

Altman v. Pennsylvania State Police; 1289 EDA 2024; from order of Montgomery Cty; 2024-00587.

Fisher v. Kennedy; 1290 EDA 2024; from order of Delaware Cty; CV-2021-005130; Z. Shields.

Shor, Levin & Derita, P.C. v. Villari, Kusturiss, Brandes & Kline, P.C.; 1291 EDA 2024; from order of Montgomery Cty; 2007-01476; M. Weisberg.

Shor, Levin & Derita, P.C. v. Villari, Kusturiss, Brandes & Kline, P.C.; 1292 EDA 2024; from order of Montgomery Cty; 2007-12707; M. Weisberg.

Com. v. Campbell; 1293 EDA 2024; from order of Phila Cty; CP-51-CR-00075471-2020.

Rittenhouse Plaza, Inc. v. Ichtman; 1294 EDA 2024; from order of Phila Cty; 3964.

Rittenhouse Plaza, Inc. v. Ichtman; 1294 EDA 2024; from order of Phila Cty; 3964.

Com. v. Lowrey; 1297 EDA 2024; from order of Bucks Cty; CP-09-CR-001289-2023; C. Dunleavy.

Com. v. Lee; 1298 EDA 2024; from order of Phila Cty; CP-51-CR-008699-2022; A. Marcus.

Com. v. Muhammad; 1299 EDA 2024; from order of Phila Cty; CP-51-CR-0001264-2023; L. Goode.

Com. v. Durham; 1300 EDA 2024; from order of Phila Cty; CP-51-CR-0001472-2023; N. Oseir.

Com. v. Langford; 1301 EDA 2024; from order of Phila Cty; CP-51-CR-0001542-2023; S. Sigman.

Com. v. Carreon; 1302 EDA 2024; from order of Phila Cty; CP-51-CR-0005654-2023; L. Goode.

Com. v. Molitor; 1303 EDA 2024; from order of Delaware Cty; 1179/2022; R. Thomas.

Com. v. Jablanofsky; 1304 EDA 2024; from order of Bucks Cty; CP-09-946-2023; J. Fioravanti.

Com. v. Alhakim; 1305 EDA 2024; from order of Montgomery Cty; CP-46-CR-4578-2023.

Com. v. Rice; 1306 EDA 2024; from order of Phila Cty; CP-51-CR-0001736-2020; L. Goode.

Com. v. Reyes; 1307 EDA 2024; from order of Phila Cty; CP-51-CR-146-2022; Z. Goldstein.

Com. v. Freeman; 1308 EDA 2024; from order of Lehigh Cty; CR-1078-1995; M. Rapa.

Com. v. Kearney; 1309 EDA 2024; from order of Northampton Cty; CP-48-CR-000384-2022.

Com. v. Johnson; 1310 EDA 2024; from order of Delaware Cty; CP-23-CR-6042-2018.

Com. v. Otero-Ruiz; 1311 EDA 2024; from order of Lehigh Cty; 3227/2020.

Broughton v. Caoter-Sumler; 1312 EDA 2024; from order of Phila Cty; 2404/2015.

Hrisch v. McGinniss; 1313 EDA 2024; from order of Bucks Cty; 2016-60222-C37.

In Re: H.B., a minor; 1314 EDA 2024; from order of Phila Cty; CP-51-DP-0000586-2022; A. Martino.

In Re: H.T.B., a minor; 1315 EDA 2024; from order of Phila Cty; CP-51-AP-0000412-2023; A. Martino.

In the Interest of: M.Z. Appeal of: E.Z.; 1316

EDA 2024; from order of Phila Cty; CP-51-DP-0000761-2022.

In the Interest of: I.Z. Appeal of: K.Z.; 1317 EDA 2024; from order of Phila Cty; CP-51-DP-0000762-2022.

In Re: O.E. A Minor Appeal of R. F. Father; 1318 EDA 2024; from order of Phila Cty; CP-51-DP-0000152-2023; F. Odza.

In Re: A.E. A Minor Appeal of R. F. Father; 1320 EDA 2024; from order of Phila Cty; CP-51-FN-0000292-2023; F. Odza.

Com. v. Edmonds; 1323 EDA 2024; from order of Phila Cty; CP-51-CR-0000451-2020; D. Alvarez.

Com. v. Edmonds; 1324 EDA 2024; from order of Phila Cty; CP-51-CR-0000461-2020; D. Alvarez.

Com. v. Millhouse; 1325 EDA 2024; from order of Phila Cty; CP-51-CR-0006832-2021.

Oakwood Healthcare LLC v. Kanefsky; 1326 EDA 2024; from order of Phila Cty.

Com. v. Murray; 1327 EDA 2024; from order of Phila Cty; CP-51-CR-0000025-2022; A. Marcus.

Com. v. Carter; 1328 EDA 2024; from order of Phila Cty; CP-51-CR-1213321-1992; J. Javie.

COMMONWEALTH COURT

ORDERS & DECREES

May 23, 2024

Per Curiam

Luzerne and Susquehanna Railway Company v. Luzerne County Redevelopment Authority; 833 C.D. 2022; Appellants' application for reargument, the application is Denied.

ORPHANS' COURT DIVISION

HEARINGS AND CONFERENCES

Before **RAMY I. DJERASSI, J.**
FOR THE WEEK OF JUNE 3, 2024
10:00 AM (Audit) Hearing
Tyrone C. Gandy, 1243 DE 2018/237021; B. Levine.
COURTROOM 414, CH
10:00 AM (Audit) Hearing
Annie L. Lowry, 245 ST 1909/240595; B. Gilboy.
COURTROOM 414, CH
10:00 AM (Audit) Hearing
Kevin Naylor, 1133 DE 2020/224060; A. Paul.
COURTROOM 414, CH
10:00 AM (Audit) Hearing
Allison Jennings, 1728 IV 2005/241763; J. Anastasia.
COURTROOM 414, CH
10:00 AM (Audit) Hearing
Cameron Patricia Jennings, 1726 MI 2005/241775; J. Anastasia.
COURTROOM 414, CH
3:00 PM ZOOM Hearing

Aaron Garcia, 471 AI 2024/241656; K. Behrens.
COURTROOM 414, CH
TUES., JUNE 4, 2024
11:00 A.M. ZOOM Hearing
Michael Younkens, 466 AI 2024/241632; M. Perry, W. Braveman.
2:00 P.M. ZOOM Hearing
Helen Mishenko, 252 AI 2024/240877/241151; T. Burke.
3:30 P.M. ZOOM Hearing
Dwight Jones, 1104 AI 2023/233633; A. Mixon.
WED., JUNE 5, 2024
10:00 A.M. ZOOM Hearing
Lee Family Trust, 1292 IV 2021/222580/217440; G. Ridenour.
11:00 A.M. Hearing
Annamarie Thompson, 1136 AP 2023/241248/233721/241235; D. Holler, G. Ridenour.
COURTROOM 414, CH
1:00 P.M. ZOOM Hearing
Roberta Knox, 436 AI 2024/241483; M. Szymborski.
3:45 P.M. ZOOM Hearing
Ed Johnson, 509 AI 2024/241751; J. Peterson.
THURS., JUNE 6, 2024
10:00 A.M. HEARING
Robert Mozitis, 902 AP 2023/232911/233466/240437; D. Mormello, J. Homel.
COURTROOM 414, CH
10:00 A.M. Hearing
Regina Evans, 1175 DE 2020/224597; J. Harris.
COURTROOM 414, CH
1:00 P.M. ZOOM Hearing
Keven Parker, 927 DE 2022/233289; R. Foxworth.
2:00 P.M. ZOOM Hearing
Frank McEntee, 1144 DE 2022/233119/224513; M. McIlhinney.
3:00 P.M. ZOOM Hearing
Grace Harrington, 1431 DE 2022/227384; M. Gumbel.
FRI., JUNE 7, 2024
10:00 A.M. ZOOM HEARING
Robert Hoefler, 284 AI 2024/240951; D. Nagel, R. Ciccotta.
2:00 P.M. ZOOM Hearing
Lensworth Braham, 222 AP 2023/230724; K. Mirsky.

HEARINGS AND CONFERENCES

Before **CARRAFIELLO, J.**
FOR THE WEEK OF JUNE 3, 2024
10:00 AM AUDIT LIST, ZOOM HEARING
The Northwood Cemetery, Non Profit 1102 NP of 2009; M. Mitchell
Combined Endowment Fund (#241446), Individual Endowment Fund (#241438), Maintenance Fund (#241440), Company Care Fund (#241442)
WED., JUNE 5, 2024
10:00 A.M. AIP Hearing; ZOOM
Andrew Adderly, AIP, 122 AI of 2024, #240436; T. Holman, D. Boose.
11:00 A.M. AIP Hearing; ZOOM
Anastasia Niema Bolden, AIP, 1538 AI of 2023, #237081; C. Hill, A. Lotman.
THURS., JUNE 6, 2024
10:00 A.M. AIP HEARING; ZOOM

Curtis Holmes, AIP, 41 AI of 2024, #240172; M. Szymborski, M. Vogin.
11:00 A.M. AIP HEARING; ZOOM
Richard Woll, AIP, 343 AI of 2023, #240082; A. Eisemann.
FRI., JUNE 7, 2024
NO HEARINGS SCHEDULED

HEARINGS AND CONFERENCES

Before **SHEILA WOODS-SKIPPER, J.**
FOR THE WEEK OF JUNE 3, 2024
MON., JUNE 3, 2024
9:30 A.M. AUDIT DAY: Estate of Jerome N. Schwartz, PR, ACT; (ZOOM)
917 PR of 2019 #241115; S. Kamenitz, B. Perez.
WEDS., JUNE 5, 2024
10:00 A.M. Estate of Anthony John Chiarella, IC, ACT (ZOOM)
168 IC of 2024 #240608; D. Shorter
10:150 A.M. Estate of Christian R. Krajewski, IC, ACT (ZOOM)
272 IC of 2019 #191072.
THURS., JUNE 6, 2024
10:00 A.M. Estate of Rasheme Tahair Watson, IC, ACT (ZOOM)
246 IC of 2024 #240843; A. Gindle.
10:30 A.M. Estate of Paul Medina, AI, ACT (ZOOM)
495 AI of 2024 # 241816; J. Peterson.
12:00 P.M. Estate of Geneva Grant, IC, ACT (ZOOM)
61C of 2024 #240127; D. Parrish.
FRI., JUNE 7, 2024
NO HEARINGS SCHEDULED

HEARINGS AND CONFERENCES

Before **STELLA TSAI, J.**
FOR THE WEEK OF JUNE 3, 2024
MON., JUNE 3, 2024
10:00 A.M. Audits, COURTROOM 432
Jeannie Adams, 445 DE-2024/24152; A. Bermick.
Derrick William Palmer, 510 DE-2024/241752; S. Zelinger.
Thomas McKean, 511IV-2024/241755; A. Silverstein.
TUES., JUNE 4, 2024
NO HEARINGS SCHEDULED
WED., JUNE 5, 2024
10:00 A.M. ZOOM HEARING
Lily R. Crawford, 1096DE-2006/22035/240973; K. Young, J. Capone.
2:00 P.M. ZOOM HEARING
Rosemary Conway, 1297AI-2023/234264; J. Shanssey.
THURS., JUNE 6, 2024
10:00 A.M. ZOOM HEARING
Dawn N. Burns, 394AI-2024/241331; E. Gilson.
2:00 P.M. ZOOM HEARING
Clare D'Agostino, 1401DE-2023/234641; A. Weems.
2:30 P.M. ZOOM HEARING
Inez Brooks, 1268 DE-2023/234154; J. Cooper.
FRI., JUNE 7, 2024
NO HEARINGS SCHEDULED

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(A) [the magisterial district court shall note the case settled on the docket,] **mark the settlement of the case on the docket;**

(B) cancel any scheduled hearing [(), except for a consolidated hearing on a cross-complaint pursuant to **Rule 315B**], **Pa.R.Civ.P.M.D.J. 315B**; and

(C) notify the parties in writing that the complaint has been marked settled.

(2)(ii)[Where the parties have filed a notice of settlement with the magisterial district court] **If the magisterial district court has previously marked the civil action as settled pursuant to subdivision (b)(1)(i)** and a subsequent breach of the settlement agreement occurs, a party may file a new complaint citing breach of the settlement agreement as the cause of action.

(2) Settlement with Stipulated Judgment.

(i) The parties may file a written notice of a stipulated judgment as part of a settlement agreement at any time prior to the entry of judgment.

(ii) The notice shall be made on a form promulgated by the State Court Administrator that shall include:

(A) the amount of the stipulated judgment, which shall include fees and interest, but not court costs;

(B) a notice to the defendant;

(I) to review the settlement agreement to ensure familiarity with and acceptance of its terms;

(II) that a judgment will be entered against the defendant on the docket of the magisterial district court; and

(III) the plaintiff shall have the right to request execution of the judgment if the defendant fails to make payments as agreed; and

(C) the signatures of the parties.

(iii) Upon receipt of a notice compliant with the requirements of subdivision (b)(2)(ii), the magisterial district court shall:

(A) mark the entry of the stipulated judgment on the docket;

(B) cancel any scheduled hearing, except for a consolidated hearing on a cross-complaint pursuant to Pa.R.Civ.P.M.D.J. 315B; and

(C) notify the parties in writing that the complaint has been marked settled.

[C(1)(c) Cross-complaints.

(1) [The] A withdrawal or settlement of the plaintiff's complaint **pursuant to subdivision (a) or (b)** shall not affect the right of the defendant to proceed with a cross-complaint filed pursuant to **[Rule 315A] Pa.R.Civ.P.M.D.J. 315A, unless it includes the cross-complaint.**

(2) The defendant may file a written notice of withdrawal of the cross-complaint in the manner set forth in **[subdivision A] subdivision (a).**

(3) The parties may file a written notice of settlement **or stipulated judgment** of the cross-complaint in the manner set forth in **[subdivision B] subdivision (b).**

[Note:] Comment: A complaint filed pursuant to **[subparagraph A(2) or B(2)] subdivision (a)(2) or (b)(1)(ii) [shall not be treated as] is not** a "reinstatement" of the underlying action[,] and is subject to all prescribed fees and costs for filing and service of a complaint. Compare with **[Rule 314E] Pa.R.Civ.P.M.D.J. 314E**, which provides for reinstatement of the complaint under the limited circumstance of failure to make timely service.

This rule also applies to the withdrawal or settlement of a cross-complaint. Moreover, a cross-complaint will survive the withdrawal or settlement of the corresponding complaint **if it is not included in a notice filed pursuant to this rule.**

For purposes of this rule, "stipulated judgment" means a judgment that is entered by the magisterial district court without a hearing and at the request of and with the agreement of the parties. See Pa.R.Civ.P.M.D.J. 210.1 prohibiting unauthorized ex parte communication with the magisterial district judge.

[Prior Rule 320, addressing continuances, was rescinded by Order of December 16, 2004, effective July 1, 2005, and its provisions were added to Rule 209.] The provisions of prior Pa.R.Civ.P.M.D.J. 320, pertaining to continuances, were relocated to Pa.R.Civ.P.M.D.J. 209, effective July 1, 2005.

SUPREME COURT OF PENNSYLVANIA
Minor Court Rules Committee

PUBLICATION REPORT

Proposed Adoption of Pa.R.Civ.P.M.D.J. 210.1 and
Amendment of Pa.R.Civ.P.M.D.J. 320

The Minor Court Rules Committee ("Committee") is considering proposing to the

Supreme Court of Pennsylvania the adoption of Pa.R.Civ.P.M.D.J. 210.1 and the amendment of Pa.R.Civ.P.M.D.J. 320, pertaining to prohibitions on ex parte communications and stipulated judgments, respectively.

While discussing a separate matter, the Committee became aware of instances in magisterial district courts of creditor-plaintiffs submitting ex parte requests to the court to mark civil complaints settled and requesting entry of a judgment in favor of the plaintiff. While a joint request for entry of judgment is not inherently problematic, the Committee perceived the potential for malfeasance if the filing does not reflect notice to or consent to the agreement by the defendant. The Committee thought it beneficial to examine methods to: (1) develop a procedure for the parties in a civil action to advise the magisterial district court of a settlement agreement that includes the entry of a judgment in favor of the plaintiff, i.e., a stipulated judgment; and (2) establish an explicit prohibition on unauthorized ex parte communications with the court by the parties or their representatives.

Ex Parte Communications

The Committee first examined ex parte communications in magisterial district courts. The Court has defined "ex parte" as:

On one side only; by or for one party; done for, in behalf of, or on the application of, one party only. A judicial proceeding, order, injunction, etc., is said to be ex parte when it is taken or granted at the insistence and for the benefit of one party only, and without notice to, or contestation by any person adversely interested.

Commonwealth v. Carpenter, 725 A.2d 154, 168 (Pa. 1999) (quoting Black's Law Dictionary, 517 (5th Ed. 1979)).

Magisterial district judges and attorneys are bound by codes of conduct that prohibit unauthorized ex parte communication. See Rule 2.9 of the Rules Governing Standards of Conduct of Magisterial District Judges and Rule 3.5 of the Rules of

Professional Conduct, respectively. In contrast, there is no similar obligation for parties in the Rules of Civil Procedure Governing Actions and Proceedings Before Magisterial District Judges. Thus, while magisterial district judges and attorneys have guidance relating to ex parte communications, the same cannot be said for a litigant who is not lawtrained.

The Committee looked to existing Rules of Juvenile Court Procedure, which has prohibitions on ex parte communications by the parties. See Pa.R.J.C.P. 136 and 1136 (pertaining to delinquency and dependency proceedings, respectively). The Committee used these rules as the basis for developing proposed Pa.R.Civ.P.M.D.J. 210.1.

While ex parte communications are generally prohibited by proposed Pa.R.Civ.P.M.D.J. 210.1, certain ex parte communications are authorized and permitted. Notably, proceedings for emergency protective relief are filed and heard on an ex parte basis. "As soon as possible after the filing of the petition, the hearing officer shall hold an ex parte hearing thereon." Pa.R.Civ.P.M.D.J. 1207 (pertaining to hearings for emergency protective relief). Moreover, Rule 2.9(A)(1) of the Rules Governing Standards of Conduct of Magisterial District Judges identifies types of authorized ex parte communications under certain circumstances, e.g., scheduling, administrative, or emergency purposes. These exceptions to the general rule against ex parte communications are included in the Comment to proposed Pa.R.Civ.P.M.D.J. 210.1.

Stipulated Judgments

The Committee considers the phrase "stipulated judgment" to mean a consensual judgment that is entered without a hearing by the magisterial district court at the request of the parties. Because the Committee was informed that ex parte requests for stipulated judgments are being filed with magisterial district courts, it agreed to consider developing a procedure to ensure a defendant is an informed and active participant to a request to enter a stipulated judgment.

The Committee proposes dividing Pa.R.Civ.P.M.D.J. 320(B), pertaining to settlements, into two subdivisions. Subdivision (b)(1) reflects current subdivision (B), regarding a request to mark a civil action settled without the entry of a stipulated judgment. This provision could be used when the parties reach an out of court settlement that does not include the entry of a judgment by the court.

Proposed subdivision (b)(2) includes new provisions relating to a stipulated judgment and emphasizes participation of the parties. Proposed subdivision (b)(2)(ii) provides for a new statewide form to request entry of a stipulated judgment by the magisterial district court. The amount of the judgment will be entered on the form. The amount of the judgment should not include court costs insofar as those are determined by Pa.R.Civ.P.M.D.J. 206B and are the responsibility of the unsuccessful party. The judgment issued by the magisterial district court will reflect these costs.

The form will also contain a notice to the defendant: (1) to review the settlement agreement to ensure familiarity with and acceptance of its terms; (2) that judgment will be entered against the defendant on the docket of the magisterial district court; and (3) failure to make payments as agreed upon will give the plaintiff the right to request execution of the judgment. Finally, the form will require the signatures of the parties, reflecting that the request is being made jointly. Proposed Pa.R.Civ.P.M.D.J. 320(b)(2)(ii)(C). The Comment to proposed Pa.R.Civ.P.M.D.J. 320 was amended to include a cross-reference to proposed Pa.R.Civ.P.M.D.J. 210.1, prohibiting unauthorized ex parte communication with the magisterial district judge.

Relative to proposed Pa.R.Civ.P.M.D.J. 320(b)(2)(ii)(B)(I), advising the defendant to review the terms of a settlement agreement, it was not the Committee's intent to require judicial approval of the terms of these agreements. The primary risk in such arrangements is that the plaintiff may execute upon a judgment prematurely or the levy may be excessive in relation to prior payments on the judgment. Should that occur, the defendant could file an objection to the levy pursuant to Pa.R.Civ.P.M.D.J. 413, which can be the subject of a request for reconsideration at the court of common pleas. The Committee was satisfied with this remedy for a premature request or excessive levy.

The Committee did consider an alternative approach to entry of a stipulated judgment. The alternative scheme would have the magisterial district court keep the hearing date on the sched-

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ule to allow either party to contest the stipulation prior to its entry. Then, if either party appeared at the scheduled hearing time to object to the stipulation, the magisterial district judge would continue the hearing to a later date. In contrast, if no one appeared at the scheduled hearing time, then the magisterial district court would enter the judgment. Ultimately, the Committee did not favor this approach, finding it would complicate the process, disrupt scheduling, and create the potential for intentional delays.

The Committee also observed that the parties will have to act diligently within the allotted time between the filing of the complaint and the date scheduled for the civil hearing. Parties inclined to negotiate a settlement including a stipulated judgment will have limited time, unless a continuance is sought, to negotiate the agreement, execute it, and file the request with the magisterial district court. However, parties who have reached a mutually satisfactory outcome should be incentivized to proceed as directed in proposed Pa.R.Civ.P.M.D.J. 320.

Finally, the Committee recommended Pa.R.Civ.P.M.D.J. 320 to the Court in 2014 to address the misuse of reinstatement of civil complaints, currently limited to circumstances of failure to make timely service. See Pa.R.Civ.P.M.D.J. 304E(1). There is no counterpart to Pa.R.Civ.P.M.D.J. 304E(1) in the rules governing landlord-tenant actions because service can be accomplished by posting, thus, timely service is not an issue in landlord-tenant actions. The Committee specifically invites comments on whether the landlord-tenant rules would benefit from the addition of a withdrawal and settlement rule.

The Committee welcomes all comments, concerns, and suggestions regarding this proposal.

IN THE SUPREME COURT OF PENNSYLVANIA

IN RE:

ORDER AMENDING RULES 105, 201, 202, 203, 205, 206, 213, 303, 304, and 341 OF THE PENNSYLVANIA BAR ADMISSION RULES:

NO. 983
SUPREME COURT RULES DOCKET

ORDER

PER CURIAM

AND NOW, this 17th day of April, 2024, upon the recommendation of the Board of Law Examiners, the proposal having been submitted without publication pursuant to Pa.R.J.A. No. 103(a)(3) in the interests of justice and efficient administration:

IT IS ORDERED, pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules 105, 201, 202, 203, 205, 206, 213, 303, 304, and 341 of the Pennsylvania Bar Admission Rules are amended in the attached form.

This ORDER shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective May 1, 2024.

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

Rule 105. Civil Immunity of the Board of Law Examiners . . .
([A]a) The Board of Law Examiners . . .

([B]b) Records, statements of opinion . . .

Rule 201. Bar of the Commonwealth of Pennsylvania
* * *

(b) Changes in Status Under Enforcement Rules. An attorney admitted to the bar or issued a limited license to practice law as an in-house corporate counsel, military attorney, **spouse of an active-duty service member, attorney participant in defender or legal services programs,** or foreign legal consultant:

Rule 202. Admission to the Bar

An applicant who complies with the requirements of Rule 203 (relating to admission by bar examination), Rule 204 (relating to admission by reciprocity), Rule 205 (relating to **admission by bar examination for graduates of foreign law degrees] admission of foreign attorneys and graduates of foreign institutions**) or Rule 206 (relating to admission by transfer of bar examination score) and the applicable rules of the Board shall be admitted to the bar of this Commonwealth in the manner prescribed by these rules. . . .

Rule 203. Admission by Bar Examination

(a) Bar Examination. The general requirements for permission to sit for the bar examination are:

(3) An applicant who is disbarred or suspended for disciplinary reasons from the practice of law in another jurisdiction at the time of filing an application for permission to sit for the bar examination shall not be eligible to sit for the bar examination.

(b) Admission to the Bar. The general requirements for admission to the bar of this Commonwealth are:

(3) satisfactory completion of the Multistate Professional Responsibility Examination at the score determined by the Court which score shall be publicly posted[;].

Rule 205. Admission of Foreign Attorneys and Graduates of Foreign Institutions

(a) General Rule. The Board, under such standards, rules and procedures as it may prescribe, may extend the provisions of Rule 203 (relating to [the] admission by bar examination) or Rule 206 (relating to admission by bar examination score transfer) to any applicant who has completed the study of law in a law school which at the time of such completion was not located within the geographical area encompassed by the accreditation activities of the American Bar Association and:

(b) Law Study Required. [Unless otherwise provided by the Board, a] Applicants who meet the provisions of subparagraph (a) of this rule may apply to sit for the Pennsylvania Bar Examination **per Rule 203 or seek admission by transfer of a bar examination score per Rule 206** provided they have successfully completed 24 credits hours in an accredited American law school in the following subjects: . . .

Rule 206. Admission by Bar Examination Score Transfer

(a) Score Requirements.

1. The UBE score must meet or exceed that established by the Court as the minimum passing score for applicants sitting for the bar **examination** . . .

Official Note: In accordance with the requirement in Pa.B.A.R. 203(a)(2)(i), graduates of foreign law schools must also meet the requirements of Pa.B.A.R. 205 – **[Admission by Bar Examination for Graduates of Foreign Law Schools]Admission of Foreign Attorneys and Graduates of Foreign Institutions** – to transfer a score under this rule.

Rule 213. Hearings Before the Board

Official Note: Based on former Supreme Court Rule 14A. “Other than scholastic” means that the failure to comply with Rule 203(a)(1), (a)(2), [or] (b)(1), **or (b)(3)** is not reviewable pursuant to Rule 213.

Rule 303. Limited Admission of Military Attorneys [A.](a) General Rule. . . .
[B.](b) Application. . . .
[C.](c) Action. . . .
[D.](d) Scope of Practice. . . .
[E.](e) Expiration of Admission. . . .
[F.](f) Status. . . .

Rule 304. Limited Admission of Spouses of Active-duty Service Members of the United States Uniformed Services

(c) Limitations

(3) In the event Rule 304(c)(2)(A) [or (B)] applies as a result of the death of the spouse of the attorney admitted under this rule, the termination of the limited admission provided by this rule will be subject to a six-month grace period.

Rule 341. Licensing of Foreign Legal Consultants.
(a) Required qualifications. . . .

(6) Has passed the Multistate Professional Responsibility Examination . . .

SUPREME COURT OF PENNSYLVANIA JUVENILE COURT PROCEDURAL RULES COMMITTEE NOTICE OF PROPOSED RULEMAKING Proposed Amendment of Pa.R.J.C.P. 1601 and 1608

The Juvenile Court Procedural Rules Committee is considering proposing to the Supreme Court of Pennsylvania the amendment of Pennsylvania Rules of Juvenile Court Procedure 1601 and 1608 governing “potential kinship care resource” for the reasons set forth in the accompanying publication report. Pursuant to Pa.R.J.A. 103(a)(1), the proposal is being published in the Pennsylvania Bulletin for comments, suggestions, or objections prior to submission to the Supreme Court.

Any report accompanying this proposal was prepared by the Committee to indicate the rationale for the proposed rulemaking. It will neither constitute a part of the rules nor be adopted by the Supreme Court.

The Committee invites all interested persons to submit comments, suggestions, or objections in writing to:

Daniel A. Durst, Chief Counsel

Juvenile Court Procedural Rules Committee Supreme Court of Pennsylvania
Pennsylvania Judicial Center P.O. Box 62635
Harrisburg, PA 17106-2635
FAX: 717-231-9541
juvenilerules@pacourts.us

All communications in reference to the proposal should be received by **May 31, 2024**. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

By the Juvenile Court Procedural Rules Committee,
Judge Andrea Marceca Strong, Chair

SUPREME COURT OF PENNSYLVANIA JUVENILE COURT PROCEDURAL RULES COMMITTEE PUBLICATION REPORT

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Proposed Amendment of Pa.R.J.C.P. 1601 and 1608

The Juvenile Court Procedural Rules Committee (“Committee”) is considering proposing the amendment of Pennsylvania Rules of Juvenile Court Procedure 1601 and 1608 to implement the Act of December 14, 2023, P.L. 412, No. 48, concerning “potential kinship care resource.”

Effective February 12, 2024, the Act added the definition of “potential kinship care resource” to the Juvenile Act, 42 Pa.C.S. § 6302. The Act also amended 42 Pa.C.S. § 6336.1(a) to require the county agency to provide notice of permanency hearings to potential kinship care resources. The potential resource then has the right to be heard at the hearing as to the resource’s qualifications to provide kinship care. Thereafter, the court must decide whether the resource may receive notice of, or participate in, future hearings.

To reflect the Act, Pa.R.J.C.P. 1601(a)(5) is proposed to be amended to include “potential kinship care resource” as a person to receive notice of the permanency hearing. Additionally, a new subdivision (d)(1)(xviii) is proposed to be added to Pa.R.J.C.P. 1608 to require a finding on whether the potential kinship care resource should receive notices of future hearings.

The Committee invites all comments, concerns, and suggestions regarding this rulemaking proposal.

Rule 1601. Permanency Hearing Notice.

[A.](a) At least [fifteen] 15 days prior to the hearing, the court or its designee shall give notice of the permanency hearing to:

- (1) all parties;
- (2) the attorney for the county agency;
- (3) the child’s attorney;
- (4) the guardian’s attorney;
- (5) the parents, child’s foster parent, preadoptive parent, [or] relative providing care for the child, or a potential kinship care resource;
- (6) the court appointed special advocate, if assigned;
- (7) the educational decision maker, if applicable; and
- [B.](b) (8) any other persons as directed by the court.

If a party intends to request a goal change from reunification, then either the notice shall state this purpose or the party shall give separate notice of the intended goal change in accordance with [paragraph (A)] subdivision (a).

Comment: Regarding subdivision (a)(5), see 42 Pa.C.S. § 6302 for the definition of “potential kinship care resource.” Once a potential kinship care resource has addressed the court as to the individual’s qualifications, the court is to decide whether the potential kinship care resource may receive notice of, or participate in, future hearings. See Pa.R.J.C.P. 1608(d)(1)(xviii). If the court decides that the potential kinship care resource is not to receive notice of future hearings, notice to that individual pursuant to subdivision (a)(5) is no longer required.

Given the significance of discontinuing the goal of reunification, the requirement of [paragraph (B)] subdivision (b) is to ensure that parties, counsel, and interested persons have notice of the purpose of the hearing and are able to prepare for and attend the hearing.

[Official Note: Rule 1601 adopted August 21, 2006, effective February 1, 2007. Amended April 29, 2011, effective July 1, 2011. Amended May 17, 2018, effective October 1, 2018.]

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1601 published with the Court’s Order at 36 Pa.B. 5571 (September 2, 2006). Final Report explaining the amendments to Rule 1601 published with the Court’s Order at 41 Pa.B. 2413 (May 14, 2011). Final Report explaining the amendments to Rule 1601 published with the Court’s Order at 48 Pa.B. 3321 (June 2, 2018).]

Rule 1608. Permanency Hearing.

(d) Court’s Findings.

(1) **Findings at all Six-Month Hearings.** At each permanency hearing, the court shall enter its findings and conclusions of law into the record and enter an order pursuant to Rule 1609. On the record in open court, the court shall state:

(xvi) whether sufficient steps have been taken by the county agency to ensure the child has been provided regular, ongoing opportunities to engage in age-appropriate or developmentally-appropriate activities, including:

(A) consulting the child in an age-appropriate or developmentally-appropriate manner about the opportunities to participate in activities; and

(B) identifying and addressing any barriers to participation; [and]

(xvii) whether the visitation schedule for the child with the child’s guardian is adequate, unless a finding is made that visitation is contrary to the safety or well-being of the child[.]; and

(xviii) if a potential kinship care resource has addressed the court as to the individual’s qualifications, then whether the potential kinship care resource may receive notice of, or participate in, future hearings.

Comment: See 42 Pa.C.S. §§ 6341, 6351.

Pursuant to subdivision (d)(1)(xv), the county agency is to testify and enter evidence into the record on how it took sufficient steps to ensure the caregiver is exercising the reasonable and prudent parent standard. For the definition of “caregiver” and the “reasonable and prudent parent standard,” see Rule 1120. Pursuant to subdivision (d)(1)(xvi), when documenting its steps taken, the county agency is to include how it consulted with the child in an age-appropriate or developmentally-appropriate manner about the opportunities of the child to participate in activities. For the definition of “age-appropriate or developmentally-appropriate,” see Rule 1120. These additions have been made to help dependent children have a sense of normalcy in their lives. These children should be able to participate in extracurricular, enrichment, cultural, and social activities without having to consult caseworkers and ask the court’s permission many days prior to the event. See also Preventing Sex Trafficking and Strengthening Families Act (P.L. 113-183), 42 U.S.C. §§ 675 and 675a (2014).

Regarding subdivision (d)(1)(xviii), see 67 Pa.C.S. § 7507(c) for Kinship Care Program.

SUPREME COURT OF PENNSYLVANIA
JUVENILE COURT PROCEDURAL RULES COMMITTEE
NOTICE OF PROPOSED RULEMAKING
Proposed Amendment of Pa.R.J.C.P. 161, 170, and 172

The Juvenile Court Procedural Rules Committee is considering proposing to the Supreme Court of Pennsylvania the amendment of Pennsylvania Rules of Juvenile Court Procedure 161, 170, and 172 governing expungement procedures for the reasons set forth in the accompanying publication report. Pursuant to Pa.R.J.A. 103(a)(1), the proposal is being published in the Pennsylvania

Bulletin for comments, suggestions, or objections prior to submission to the Supreme Court.

Any report accompanying this proposal was prepared by the Committee to indicate the rationale for the proposed rulemaking. It will neither constitute a part of the rules nor be adopted by the Supreme Court.

The Committee invites all interested persons to submit comments, suggestions, or objections in writing to:

Daniel A. Durst, Chief Counsel

Juvenile Court Procedural Rules Committee Supreme Court of Pennsylvania
Pennsylvania Judicial Center P.O. Box 62635
Harrisburg, PA 17106-2635
FAX: 717-231-9541
juvenilerules@pacourts.us

All communications in reference to the proposal should be received by May 31, 2024. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

By the Juvenile Court Procedural Rules Committee,
Judge Andrea Marceca Strong, Chair

SUPREME COURT OF PENNSYLVANIA
JUVENILE COURT PROCEDURAL RULES COMMITTEE
PUBLICATION REPORT
Proposed Amendment of Pa.R.J.C.P. 161, 170, and 172

The Juvenile Court Procedural Rules Committee (“Committee”) is considering proposing the amendment of Pennsylvania Rules of Juvenile Court Procedure 161, 170, and 172 to facilitate the complete expungement of delinquency court records.

The Committee previously published a proposal to revise the required contents of an expungement order to direct that all records be expunged or destroyed and to provide the juvenile court with the discretion to establish a compliance deadline. See 49 Pa.B. 7293 (December 14, 2019). That proposal was intended to address concerns of undue delay in compliance with expungement orders and incomplete expungements.

During the course of rulemaking, the Pennsylvania Juvenile Justice Task Force was formed. Released in June of 2021, the Task Force’s Report and Recommendation included proposals changing the expungement eligibility criteria and making the juvenile probation office responsible for initiating the expungement process. Responsive legislation was introduced as Senate Bill 170, Regular Session 2023-2024, to amend the Juvenile Act. Consequently, the Committee paused further rulemaking.

The Committee was informed that the concerns giving rise to the original proposal continue to exist. Accordingly, the Committee opted to reopen rulemaking to address those concerns while remaining mindful of the pending legislation.

First, “incomplete expungements” occur when the motion and order fail to identify all the recordkeepers to be served and all the records to be expunged or destroyed. This is a particular concern in counties where the burden of initiating the expungement process is placed on the juvenile because often the juvenile does not know “who received what” as it is typically the juvenile probation office (JPO) disseminating records, including those in the manner of “service inquiries” to prospective providers of services.

Second, there should be a “feedback loop” requiring the recordkeepers to act on the expungement order by a date certain. Anecdotally, the information in the expungement order may not match the recordkeeper’s required identifiers, e.g., Offense Tracking Number, so there is no expungement. However, the feedback that an expungement cannot occur based upon the information in the order is not communicated to the juvenile or the court.

The Committee proposes amending Pa.R.J.C.P. 161 to add subdivision (e) to permit an eligible juvenile to submit a written request to the JPO to disclose information to the juvenile that is necessary to expunge the juvenile’s records. The JPO has 30 days to respond to that request. The requirements for the content of an expungement motion set forth in Pa.R.J.C.P. 170(b) would be amended to include identification of the records to be expunged and the recordkeepers to be served with the expungement order.

The Committee also proposes amending Pa.R.J.C.P. 172 to require recordkeepers to respond in writing within 30 days of service of the expungement order about the action taken in response to the order. This amendment is intended to provide the necessary feedback to ensure compliance with expungement orders and to detect whether additional information is needed to effectuate the expungement.

The Committee invites all comments, concerns, and suggestions regarding this rulemaking proposal.

Rule 161. Inspecting, Copying, and Disseminating Juvenile Probation Files.

[A.](a) Inspecting and Copying. Except as provided in [paragraph (C)] subdivision (c), juvenile probation files shall be open to inspection [and/or] and copying only by:

- (1) the juvenile or the juvenile’s attorney of record in the instant proceeding;
- (2) the attorney for the Commonwealth;
- (3) the State Sexual Offenders Assessment Board;
- (4) the Juvenile Court Judges’ Commission; or

[B.](b)

(5) any other person, agency, or department by order of court.

(1) Juvenile Probation Information.

(2) Information maintained by juvenile probation offices other than juvenile probation files shall be subject to inspection [and/or] and copying only pursuant to court order.

Each juvenile probation office shall create a document, which describes the information that is maintained by the juvenile probation office concerning each juvenile. This document shall be open to inspection and copying pursuant to [paragraph (A)] subdivision (a).

Contents of Order. The order shall:

[C.](c)

(1) specify who shall be permitted to inspect the file, information, or any portion thereof;

(2) specify who shall be permitted to copy the file or information;

(3) state that the file or information received shall not be disseminated to any person, agency, or department not listed in the court order; and

(4) state that dissemination of any file or information received is a violation of the court

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order.

Disseminating.

[D.](d)

(1) The juvenile probation office has discretion to disseminate portions of its files or information to the juvenile, service providers, placement facilities, and courts and courts' professional staff of other jurisdictions when facilitating placement, the delivery of services,

(e)

(2) treatment, or transfer of the case to, or supervision by another jurisdiction consistent with applicable Federal or state law.

person,

Unauthorized dissemination of any file or information to agency, or department not permitted to inspect or copy the file pursuant to this rule may result in a finding of contempt of court.

Expungement Information. Upon written request by an eligible juvenile for the purpose of expungement, and without the necessity of a court order, the juvenile probation office shall provide the juvenile the following within 30 days of the request:

(1) a list of recipients to whom the juvenile probation office has disseminated the juvenile's record;

(2) the identification of the records disseminated; and

(3) any other information reasonably necessary to expunge the juvenile's record.

Comment: Documents contained in the juvenile probation files are not a part of the official court record unless the juvenile probation office officially files the documents in the official court record. Those documents placed in the official court record are governed by Rule 160 and 42 Pa.C.S. § 6307.

Juvenile probation files containing a juvenile's disclosures for the purpose of treatment should be reviewed for potentially privileged communications prior to dissemination. See, e.g., Commonwealth v. Carter, 821 A.2d 601 (Pa. Super. 2003).

The notes of a juvenile probation officer, which describe the officer's impressions or personal observations, but which are not included in a report to the court or other report, are not considered a component of a juvenile probation file that is open to inspection **[or and copying under [paragraph (A)] subdivision (a)]**. "Juvenile probation files," as used in **[paragraph (A)] subdivision (a)** and defined in Rule 120, is intended to include files existing in whole or in part in either paper or digital form.

Nothing in this rule is intended to preclude the juvenile probation office from sharing information with the juvenile.

[Official Note: Rule 161 adopted May 21, 2012, effective August 1, 2012. Amended August 23, 2012, effective immediately. Amended March 15, 2019, effective July 1, 2019.]

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 161 published with the Court's Order at 42 Pa.B. 3203 (June 9, 2012). Final Report explaining the amendments to Rule 161 published with the Court's Order at 42 Pa.B. 5734 (September 8, 2012). Final Report explaining the amendments to Rule 161 published with the Court's Order at 49 Pa.B. 1512 (March 30, 2019).]

Rule 170. Motion to Expunge or Destroy Records.

[A.](a)

Motion. Upon motion, or sua sponte, expungement proceedings may be commenced:

(1) if a written allegation is not approved for prosecution;

(2) if the petition is dismissed by the court;

(3) in consent decree and informal adjustment cases:

[a)](i) when six months have elapsed since the final discharge of the juvenile from supervision; and

[b)](ii) if no proceeding seeking adjudication or conviction is pending;

(4) **[when]** if a juvenile has been discharged from court supervision pursuant to Rule 631:

[a)](i) five years have elapsed;

[b)](ii) the juvenile has not been convicted or adjudicated delinquent for a felony or misdemeanor;

[c)](iii) no court proceeding is pending seeking such conviction or adjudication; and

[d)](iv) the delinquent act is not an act precluded from expungement pursuant to 18 Pa.C.S. § 9123(a.1); or

(5) (b) **[when]** if the attorney for the Commonwealth consents to the expungement.

[B.] Contents of Motion. A motion, which shall include a proposed court order, shall contain the following information:

(1) the name of the juvenile;

(2) the date of birth of the juvenile, if known;

(3) the juvenile's case docket number, if any;

(4) the allegations or offenses to which the order pertains;

(5) the law enforcement agency that initiated the allegations;

(6) the reference number of the police report or written allegation to be expunged or destroyed, including the juvenile offense tracking number (JOTN), if available;

(7) the date of arrest;

(8) the disposition of the written allegation or petition;

(9) the reasons and statutory authority for expunging or destroying the documents, fingerprints, or photographs; **[and]**

(10) the identification of records to be expunged or destroyed; and

(11) the **[agencies] recordkeepers** upon which certified copies of the court order shall be served.

[C.](c) Service of Motion. In addition to the service required by Rule 345, the movant shall serve the motion on the chief juvenile probation officer.

[D.](d) Answer.

(1) The attorney for the Commonwealth, and any other person upon whom the motion was served, may file an answer to the motion.

(2) If objections to the motion are not made within [thirty] 30 days of the filing of the motion, they shall be deemed waived.

[E.](e) Court's Response to the Motion. The court shall conduct a hearing or grant or deny the motion after giving consideration to the following factors:

(1) the type of offense;

(2) the individual's age, history of employment, history of academic or vocational training, delinquent or criminal activity, and drug or alcohol issues;

(3) adverse consequences that the individual may suffer if the records are not expunged; and

(4) whether retention of the record is required for purposes of public safety.

[F.](f) Inter-County Transfer Cases.

(1) A motion to expunge or destroy records shall be filed in the county in which the

adjudication of delinquency was entered.

(2) A motion regarding the records of a juvenile whose disposition did not involve an adjudication of delinquency shall be filed in the county in which the disposition occurred.

(3) The court entering an order to expunge or destroy records shall direct the order to any other court possessing records pertaining to the case.

Comment: [Paragraph (A) provides that a motion to expunge or destroy records, files, fingerprints, or photographs, or the court, sua sponte, may commence expungement proceedings.] The juvenile or the juvenile probation office may initiate an expungement proceeding in accordance with this rule.

Under **[paragraphs (A)(1) & (2)] subdivisions (a)(1)-(a)(2)**, the written allegation or petition may be dismissed for several reasons, including, but not limited to, when: 1) a juvenile completes an informal adjustment or diversionary program; 2) the attorney for the Commonwealth declines to prosecute; 3) probable cause is not found at the detention hearing pursuant to Rule 242(C) (1); 4) there is no finding on the offenses pursuant to Rule 408(B); or 5) there is no finding of a need for treatment, supervision, and rehabilitation pursuant to Rule 409(A)(1). Expungement proceedings may be commenced upon these dismissals of the written allegation or the petition.

For expungement of summary offenses heard by a magisterial district court or criminal court, see Pa.R.Crim.P. 490 and 490.1 (truancy). For eligibility for expungement, see 18 Pa.C.S. § 9123(a); 24 P.S. § 13-1333.3(h) (truancy).

For the information required by subdivision (b), see Pa.R.J.C.P. 161(e) (requesting expungement information from the juvenile probation office).

Under **[paragraph (B)(6)] subdivision (b)(6)**, any number assigned to police papers helpful in tracking the police report or written allegation that would assist the law enforcement agency in expunging or destroying the document is to be listed. A reference number could be a juvenile offense tracking number, district control number, crime control number, incident number, Philadelphia identification number, or another number assigned by the law enforcement agency to track the document.

Pursuant to **[paragraph (B)(9)] subdivision (b)(9)**, the reasons for expunging the records or destroying fingerprints and photographs are to be included in the motion, specifically citing which provision of **[paragraph (A)] subdivision (a)** applies.

"Expunge" or "expungement" is defined by Rule 120, which means to erase legally, or the process of legal erasure of an item making it permanently not available to the public but where some information may be retained only for limited purposes by agencies or departments. See **[Rule 173. See also Comment to Rule 120] Pa.R.J.C.P. 173; Pa.R.J.C.P. 120, cmt.**

Rule 173 provides for the retention of certain information that is crucial for: 1) determining compliance with the order to expunge; 2) determining eligibility in a court program, determining the grading or penalty of an offense, or for other purposes as provided by law; 3) maintaining statistical and research information; 4) maintaining intelligence and investigative information; and 5) financial audits.

Pursuant to **[paragraph (D)] subdivision (d)**, the attorney for the Commonwealth is given an opportunity to respond to the motion. The attorney for the Commonwealth should specify its position on whether items should be expunged or destroyed. Expunged items remain available to law enforcement agencies and the attorney for the Commonwealth in limited circumstances, whereas destroyed items are permanently erased. The attorney for the Commonwealth should consent to expunging records unless the attorney for the Commonwealth demonstrates good cause for the retention of records. See *In re A.B.*, 987 A.2d 769 (Pa. Super. 2009).

The reasons for maintaining information pursuant to Rule 173 do not qualify as good cause against expunging records under this rule. Maintenance of specific information is different from the maintenance of the official court record or other official records of the juvenile probation office or a law enforcement agency. Pursuant to Rule 173, a separate document, file, or database is to be created. See **[Rule 173 and its Comment] Pa.R.J.C.P. 173.**

If the attorney for the Commonwealth objects to expunging or destroying the records, the court should conduct a hearing on the motion.

Pursuant to **[paragraph (E)(3)] subdivision (e)(3)**, the court is to consider adverse consequences that an individual may suffer if the records are not expunged. Adverse consequences are discussed in The Pennsylvania Collateral Consequences Checklist instituted by Pennsylvania Juvenile Indigent Defense Action Network in conjunction with the initiative the Models for Change System Reform in Juvenile Justice. This checklist may be accessed website at on the Supreme Court's <https://www.pacourts.us/courts/supreme-court/committees/rules-committees/juvenile-court-procedural-rules-committee/juvenile-court-committee-rules-and-forms>.

The attorney for the Commonwealth in the county in which a motion is filed in an inter-county transfer case pursuant to **[paragraph (F)] subdivision (f)** should provide notice of the motion to, and communicate with, the attorney for the Commonwealth and the juvenile probation office in the county to which, or from which, the case was transferred.

Notwithstanding this rule, **[see]** see 18 Pa.C.S. § 9123(a. 1) for cases that are ineligible for expungement proceedings. **[See also]** See also 42 Pa.C.S. § 6341 for destruction of fingerprints and photographs.

[Official Note: Rule 170 adopted April 1, 2005, effective October 1, 2005. Amended July 28, 2014, effective September 29, 2014. Amended February 12, 2015, effective immediately. Amended March 1, 2019, effective July 1, 2019.]

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 170 published with the Court's Order at 35 Pa.B. 2214 (April 16, 2005). Final Report explaining the amendments to

Rule 170 published with the Court's Order at 44 Pa.B. 5447 (August 16, 2014). Final Report explaining the amendments to Rule 170 published with the Court's Order at 49 Pa.B. 1142 (March 16, 2019).]

Rule 172. Order to Expunge or Destroy.

[A.](a) Contents. Any order to expunge or destroy the official court record, juvenile probation files, docket entries, law enforcement records, or fingerprints and photographs shall include the following information:

(1) all items contained in Rule **[170(B)] 170(b)**;

(2) a directive specifically identifying which items shall be expunged or destroyed, including all law enforcement records, juvenile probation files, official court records, other juvenile records, fingerprints, photographs, and any other information pertaining to the arrest;

(3) a directive that the keeper of the juvenile records shall expunge or destroy such items;

(4) a directive that each **[agency, department, or office] recordkeeper [upon request,]** shall notify the court or its designee, **within 30 days of service of the order and in writing**, of the action taken in response to the order to expunge or destroy;

(5) a directive to a school building principal or his or her designee to destroy information received from the court pursuant to Rule 163 **and to comply with the notice requirement of subdivision (a)(4)**;

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(6) the printed name and signature of the judge issuing the order; and

(7) the date of the court order.

[B.](b) Service. In addition to the service required by Rule 167, the clerk of courts, court administrator, or other court designee shall serve certified copies of the order on the chief juvenile probation officer, the Pennsylvania State Police, the Juvenile Court Judges' Commission, and any other person or agency as directed by the court.

Comment: Pursuant to **[paragraph (A)(2)] subdivision (a)(2)**, the court is to list specifically which items are to be expunged and which items are to be destroyed. Specific information retained pursuant to Rule 173 should be expunged but not destroyed. In most instances, the court should order that the fingerprints and photographs be destroyed and that the remaining records and documents be expunged.

Pursuant to **[paragraph (A)(4)] subdivision (a)(4)**, an agency, department, **school**, or office **[may be requested] is required** to produce evidence of compliance with the court order to expunge **or to explain why compliance cannot be made. The court's designee to receive written notice under this subdivision can be the juvenile probation office.** Non-compliance may result in a finding of contempt of court.

Pursuant to **[paragraph (A)(5)] subdivision (a)(5)**, the school is to destroy all information received from the court. Because the school is required to store this information separately under Rule 163(F), destruction should not be difficult. See **[Rule 163 and its Comment] Pa.R.J.C.P. 163. [The court may also require the school to provide written notice of the action taken.]**

[Official Note: Rule 172 adopted April 1, 2005, effective October 1, 2005. Amended December 24, 2009, effective immediately. Amended July 28, 2014, effective September 29, 2014. Amended March 1, 2019, effective July 1, 2019.

Committee Explanatory Reports:

Final Report explaining the amendments to Rule 172 published with the Court's Order at 40 Pa.B. 222 (January 9, 2010). Final Report explaining the amendments to Rule 172 published with the Court's Order at 44 Pa.B. 5447 (August 16, 2014). Final Report explaining the amendments to Rule 172 published with the Court's Order at 49 Pa.B. (_____, 2019). \

SUPREME COURT OF PENNSYLVANIA CRIMINAL PROCEDURAL RULES COMMITTEE

NOTICE OF PROPOSED RULEMAKING

Proposed Amendment of Pa.R.Crim.P. 403, 407, 408, 409, 411, 412, 413, 414, 422, 423, 424, 454, 462, 470, 702, 704, 705.1, 706, 1002, and 1030, adoption of Pa.R.Crim.P. 454.1, 456.1, 456.2, 702.1, 705.2, and 706.1, and rescission and replacement of Pa.R.Crim.P. 456

The Criminal Procedural Rules Committee is considering proposing to the Supreme Court of Pennsylvania the proposed amendment of Pa.R.Crim.P. 403 (Contents of Citation), 407 (Pleas in Response to Citation), 408 (Not Guilty Pleas – Notice of Trial), 409 (Guilty Pleas), 411 (Procedures Following Filing of Citation – Issuance of Summons), 412 (Pleas in Response to Summons), 413 (Not Guilty Pleas – Notice of Trial), 414 (Guilty Pleas), 422 (Pleas in Response to Summons), 423 (Not Guilty Pleas – Notice of Trial), 424 (Guilty Pleas), 454 (Trial in Summary Cases), 462 (Trial De Novo), 470 (Procedures Related to License Suspension After Failure to Respond to Citation or Summons or Failure to Pay Fine and Costs), 702 (Aids in Imposing Sentence), 704 (Procedure at Time of Sentencing), 705.1 (Restitution), 706 (Fines or Costs), 1002 (Procedure in Summary Cases), and 1030 (Scope of Summary Municipal Court Traffic Division Rules), adoption of Pa.R.Crim.P. 454.1 (Sentencing in Summary Cases), 456.1 (Ability to Pay Determination), 456.2 (Commonwealth Request for Ability to Pay Hearing), 702.1 (Ability to Pay Determination), 705.2 (Fines – Sentencing), and 706.1 (Commonwealth Request for Ability to Pay Hearing), and rescission and replacement of Pa.R.Crim.P. 456 (Default Procedures: Restitution, Fines, and Costs) for the reasons set forth in the accompanying publication report. Pursuant to Pa.R.J.A. 103(a)(1), the proposal is being published in the Pennsylvania Bulletin for comments, suggestions, or objections prior to submission to the Supreme Court.

Any report accompanying this proposal was prepared by the Committee to indicate the rationale for the proposed rulemaking. It will neither constitute a part of the rules nor be adopted by the Supreme Court.

Additions to the text of the proposal are bolded and underlined; deletions to the text are bolded and bracketed.

The Committee invites all interested persons to submit comments, suggestions, or objections in writing to:

**Joshua M. Yohe, Counsel Criminal
Procedural Rules Committee
Supreme Court of Pennsylvania
Pennsylvania Judicial Center
PO Box 62635
Harrisburg, PA 17106-2635**

FAX: (717) 231-9521 criminalrules@pacourts.us

All communications in reference to the proposal should be received by **April 24, 2024**. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

By the Criminal Procedural Rules Committee,
Stefanie J. Salavantis
Chair

IN THE SUPREME COURT OF PENNSYLVANIA

IN RE: NO. 243
AMENDMENT OF RULE 8.4 OF THE
PENNSYLVANIA RULES OF DISCIPLINARY
PROFESSIONAL CONDUCT: RULES DOCKET

ORDER

PER CURIAM

AND NOW, this 3rd day of April, 2024, upon the recommendation of the Disciplinary Board of the Supreme Court of Pennsylvania, having been published for comment in the Pennsylvania Bulletin, 52 Pa.B. 6357 (October 8, 2022):

IT IS ORDERED pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 8.4 of the Rules of Professional Conduct is amended in the attached form.

This ORDER shall be processed in accordance with Pa.R.J.A. No. 103(b) and shall be effective in 30 days.

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

PENNSYLVANIA RULES OF PROFESSIONAL CONDUCT

Rule 8.4 Misconduct

It is professional misconduct for a lawyer to:

(c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation, **except that a lawyer may advise, direct, or supervise others, including clients, law enforcement officers, and investigators, who participate in lawful investigative activities;**

Comment:

[2] Notwithstanding the general restriction against engaging in deceit, this Rule does not prohibit a lawyer from advising or supervising another who engages in an otherwise lawful and ethical undercover investigation, in which the investigator does not disclose his or her true identity and motivation, regardless of the nature of the matter or substantive area of law involved. This Rule does not change the scope of a lawyer's obligations under Rule 4.2 and thus a lawyer must take reasonable measures so that the investigator does not communicate with a represented party in violation of Rule 4.2, does not seek to elicit privileged information, and otherwise acts in compliance with these Rules, court orders, and civil and criminal law.

[[2]] [3] Many kinds of illegal conduct reflect adversely on fitness to practice law, such as offenses involving fraud and the offense of willful failure to file an income tax return. However, some kinds of offenses carry no such implication. Traditionally, the distinction was drawn in terms of offenses involving "moral turpitude." That concept can be construed to include offenses concerning some matters of personal morality, such as adultery and comparable offenses that have no specific connection to fitness for the practice of law. Although a lawyer is personally answerable to the entire criminal law, a lawyer should be professionally answerable only for offenses that indicate lack of those characteristics relevant to law practice. Offenses involving violence, dishonesty, breach of trust, or serious interference with the administration of justice are in that category. A pattern of repeated offenses, even ones of minor significance when considered separately, can indicate indifference to legal obligation.

[[3]] [4] For the purposes of paragraph (g), conduct in the practice of law includes (i) interacting with witnesses, coworkers, court personnel, lawyers, or others, while appearing in proceedings before a tribunal or in connection with the representation of a client; (ii) operating or managing a law firm or law practice; or (iii) participation in judicial boards, conferences, or committees; continuing legal education seminars; bench bar conferences; and bar association activities where legal education credits are offered. The term "the practice of law" does not include speeches, communications, debates, presentations, or publications given or published outside the contexts described in (i)-(iii).

[[4]] [5] "Harassment" means conduct that is intended to intimidate, denigrate or show hostility or aversion toward a person on any of the bases listed in paragraph (g). "Harassment" includes sexual harassment, which includes but is not limited to sexual advances, requests for sexual favors, and other conduct of a sexual nature that is unwelcome.

[[5]] [6] "Discrimination" means conduct that a lawyer knows manifests an intention: to treat a person as inferior based on one or more of the characteristics listed in paragraph (g); to disregard relevant considerations of individual characteristics or merit because of one or more of the listed characteristics; or to cause or attempt to cause interference with the fair administration of justice based on one or more of the listed characteristics.

[[6]] [7] A lawyer may refuse to comply with an obligation imposed by law upon a good faith belief that no valid obligation exists. The provisions of Rule 1.2(d) concerning a good faith challenge to the validity, scope, meaning or application of the law apply to challenges of legal regulation of the practice of law.

[[7]] [8] Lawyers holding public office assume legal responsibilities going beyond those of other citizens. A lawyer's abuse of public office can suggest an inability to fulfill the professional role of lawyers. The same is true of abuse of positions of private trust such as trustee, executor, administrator, guardian, agent and officer, director or manager of a corporation or other organization

IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY, PENNSYLVANIA IN RE: CUSTODY OF EXHIBITS No.: CV-2022-3777

Administrative Order

22nd day of March, 2024, it is hereby **ORDERED** and **DECREED** that Delaware County Local Rule of Civil Procedure 223.1 is hereby **RECSINDED** and **SUBSTITUTED** with Local Rules of Judicial Administration 5103, 5104, and 5105 as set forth below.

The Solicitor for Internal Management is hereby **ORDERED** to:

1. Distribute one copy of each Rule to the Administrative Office of Pennsylvania Courts via email at adminrules@pa.courts.us.
2. Distribute two paper copies of the local Rules to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
3. Distribute one copy of each of the local Rules to the Legislative Reference Bureau via

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email at bulletin@palrb.us in a Microsoft Word format.

4. Publish the local Rules on the Delaware County Court's website.

5. Incorporate the local Rules into the set of local Rules on this Court's website within 30 days after the publication of the Rules in the **Pennsylvania Bulletin**.

6. File one copy of each of the local Rules in the following filing offices of Delaware County: Office of Judicial Support, Office of the District Attorney, Juvenile Court, Orphans' Court, Domestic Relations, and Children and Youth Services.

**CERTIFIED A TRUE AND CORRECT
COPY FROM THE RECORD
THIS 22 DAY OF March 2024
A.D.**

**MARY J. WALK, ESQUIRE, DIRECTOR OFFICE
OFFICE OF JUDICIAL SUPPORT
BY THE COURT:
Linda D. Carteraso
President Judge**

Rule 5103 Custody of Exhibits. General Provisions.

(A) Court Proceedings before Common Pleas Court.

(1) A "custodian" will either be a member of court staff, *e.g.*, court reporter, Judicial Support Information Officer, Office of Judicial Support (hereinafter "OJS"), Court Information Officer, District Attorney Evidence Custodian, Domestic Relations Court Unit, the Register of Wills/Orphans' Court, or the proponent of the exhibit. *See* Pa.R.J.A. 5101(a)(2) (definition of custodian). When the proponent is designated as the custodian, the proponent will fulfill all the responsibilities of a custodian in accordance with Pa.R.J.A. 5102.

(2) A local court security committee shall make recommendations to the President Judge on protocols, policies, and procedures that should be implemented to protect the public, court personnel, and court facilities in the event of an emergency as deemed necessary. *See* Pa.R.J.A. 1954 (Court Security).

(3) The appropriate entity, as designated below, shall be the custodian of all documentary exhibits and photographs of non-documentary exhibits accepted or rejected during and after court proceedings.

(B) Custody of Documents before and after Common Pleas Court Proceedings.

(1) Civil and Criminal Proceedings before the Court of Common Pleas.

(a) Unless directed otherwise herein, the Judicial Support Information Officer on behalf of OJS shall:

(i) retain or take custody of all documentary exhibits, photographs, and photographs of non-documentary exhibits accepted or rejected during the court proceedings.

(ii) formally designate all documentary exhibits, photographs, and photographs of non-documentary exhibits with the Office of Judicial Support Public Access System within five (5) business days of the conclusion of the court proceedings; and

(iii) secure and maintain all other non-documentary exhibits as directed by the Court or agreed to by the parties.

(b) Unless directed otherwise herein, OJS shall be designated as the custodian of all documentary exhibits and photographs of non-documentary exhibits after court proceedings have concluded.

(2) Civil Arbitration Proceedings.

(a) In Civil Arbitration proceedings, neither OJS nor the arbitrators are required to retain any exhibits. The documentary and non-documentary exhibits shall not be a matter of record.

(3) Juvenile Criminal Matters before a Hearing Officer or Judge.

(a) If an exhibit is admitted into evidence, the Hearing Officer or Judge, in conjunction with the Juvenile Court Information Officer, shall file the documents in an envelope marked with the appropriate case ID. The envelope shall be placed in the Juvenile Court file.

(b) The Hearing Officer or Judge, in conjunction with the Juvenile Court Information Officer, shall retain all documentary exhibits, photographs, and photographs of non-documentary exhibits accepted or rejected during the court proceedings, such shall be a matter of record.

(c) The Juvenile Court Information Office shall act as the custodian of all documentary and non-documentary exhibits unless otherwise directed herein.

(4) Domestic Relations Proceedings before a Judge.

(a) During Domestic Relations proceedings before a Judge, the Domestic Relations Court Unit shall be the custodian of the documentary exhibits, and such shall be a matter of record.

(b) In Domestic Relations proceedings before a Judge, the Domestic Relations Court Unit shall retain all documentary exhibits, photographs, and photographs of non-documentary exhibits accepted or rejected during the court proceedings unless otherwise directed herein.

(c) In Domestic Relations proceedings before a Judge, the Domestic Relations Court Unit, shall prepare the Index of Exhibits and file the Index of Exhibits within the court file.

(d) After Domestic Relations proceedings before a Judge, the Domestic Relations Court Unit shall secure and maintain all exhibits and shall act as the custodian of records.

(e) The Domestic Relations Court Unit shall comply with any and all requirements of the PACSES systems.

(5) Proceedings before Divorce/Custody/Support/Mental Health Hearing Officers.

(a) In proceedings before the Divorce/Custody/Support/Mental Health Hearing Officer, neither OJS nor the Hearing Officer are required to retain any exhibits. The documentary and non-documentary exhibits shall not be a matter of record.

(6) Proceedings before Orphans' Court.

(a) During proceedings before the Orphans' Court, the Register of Wills, in conjunction with the Judicial Support Information Officer on behalf of OJS, shall be the custodian of the documentary exhibits, and such shall be a matter of record.

(b) In proceedings before the Orphans' Court, the Register of Wills, in conjunction with the Judicial Support Information Officer on behalf of OJS, shall retain all documentary exhibits, photographs, and photographs of non-documentary exhibits accepted or rejected during the court proceedings unless otherwise directed herein.

(c) In proceedings before the Orphans' Court, the Judicial Support Information Officer on behalf of OJS shall prepare the Index of Exhibits and file the Index of Exhibits with the exhibits in the Register of Wills File.

(d) After proceedings before the Orphans' Court, the Register of Wills shall secure and maintain all exhibits and shall act as the custodian of records.

(e) After proceedings before the Orphans' Court relating to Termination of Parental Rights, OJS shall secure and maintain all exhibits and shall act as the custodian of records.

(7) Children and Youth Services ("CYS")/Dependency Proceedings before a Hearing Officer or a Judge

(a) In proceedings involving CYS or Dependency before a Hearing Officer or a Judge, the Judicial Support Information Officer on behalf of OJS shall maintain all exhibits and records.

Rule 5104 Custody of Exhibits. Special Provisions.

(a) Any custodian accepting exhibits shall maintain the Index of Exhibits during court proceedings. Such custodian shall use the form supplied by Court Administration which shall be in the following format:

Index of Exhibits

Exhibit Number/Description/Title Proponent Admitted Rejected

Sealed by Court

Confidential Information Sheet (If required)

(b) If statutorily required, the proponent shall include a Confidential Information Form or Confidential Document Form for any exhibit offered into evidence that contains confidential information or confidential documents as defined in the Case Records Public Access Policy of the Unified Judicial System of Pennsylvania. These forms shall be given by the proponent to the applicable custodian at the time the evidence is introduced and maintained by the custodian in the file.

(c) Documentary Exhibits: Generally

(1) If a document is larger than 8-1/2 x 11 inches, the Judicial Support Information Officer on behalf of the Office of Judicial Support (hereinafter "OJS") shall be provided with a copy of the same sized 8-1/2 x 11 inches. Items larger than 8-1/2 x 11 may be used for illustration during the court proceedings.

(2) Media depositions presented at trial shall remain in the proponent's possession. The proponent shall simultaneously submit a transcript of the deposition as an exhibit in the form of a zip drive, flash drive, or compacted disc.

(3) Any digital exhibit that cannot be printed (*i.e.*, audio or video recording) shall be entered into the record in OJS public access system, flash drive, or other format if expressly approved by the court. If one party has multiple digital exhibits, they may be submitted together on one USB flash drive.

(d) Non-documentary Exhibits: Generally

(1) If the exhibit is bulky, oversized, or contains contraband including but not limited to controlled substances, narcotics, or weapons, either OJS, the District Attorney Evidence Custodian, Court Information Office for Juvenile matters, Orphans' Court and Domestic Relations Unit, or the proponent shall retain custody of the exhibit as directed by the Court.

(2) If any Exhibits are weapons, narcotics, controlled substances, or other contraband, it shall be placed in the evidence room where the District Attorney Evidence Custodian signs an evidence log form acknowledging receipt of same. Thereafter, the form shall remain in the file.

(3) Bulky, oversized Exhibits that do not require the services of the District Attorney Evidence Custodian shall be retained by the Judicial Support Information Officer on behalf of OJS, or Court Information Office for Juvenile matters. Thereafter, such evidence shall be identified on an evidence log form and placed in the file.

Rule 5105 Confidentiality. Exhibits Under Seal.

(a) The Proponent of an exhibit containing confidential information or confidential documents, as defined in the Case Records Access Policy of the Unified Judicial System of Pennsylvania (Policy), shall include a confidential document form, prepared in compliance with the Policy, so the exhibit may be sealed by the Records Office.

(b) Exhibits sealed by the Court during the Court proceedings shall not be accessible by the public.

(c) The Custodian or Records/filing Office, as may be applicable, shall maintain all non-documentary evidence

(1) in a Civil, Orphans' Court or Domestic Relations matter until the later of the expiration of the appeal period from the final disposition of the case, as otherwise required by any applicable retention schedule, law, rule, regulation or policy, or as directed by the Court;

(2) in Criminal and Juvenile Court proceedings until the later of the expiration of any applicable retention schedule, law, rule, regulation or policy, or as otherwise directed by the Court.

Effective Date: This Rule shall be effective April 1, 2024.

PUBLIC NOTICES

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)

BERSOFF, DONALD N. (a/k/a DONALD NEIL BERSOFF) -- Deborah Leavy, Executrix, c/o Gary Tannenbaum, Esq., 600 West Germantown Pike, Suite 400, Plymouth Meeting, PA 19462; Gary Tannenbaum, Atty., The Tannenbaum Law Group, 600 West Germantown Pike, Suite 400, Plymouth Meeting, PA 19462.

6-3-3*

BRACKEN, JOAN F. -- James Michael Bracken, Executor, 447 Knollbrook Drive, Langhorne, PA 19047; Gwen E. Lentine, Atty., Law Office of Maribeth Blessing, 310 Huntingdon Pike, Rockledge, PA 19046.

6-3-3*

CERTIFICATE OF AUTHORITY

Shatter Architecture Inc., a corporation organized under the laws of the state of Delaware, has applied for registration in Pennsylvania under the provisions of Chapter 4 of the Associations Code. The address of its principal office under the laws of the jurisdiction of formation is 900 Foulk Rd., Suite 201, Wilmington, DE 19803 and the address of its proposed registered office in this Commonwealth is c/o M. Burr Keim Company, 2021 Arch St., Philadelphia, PA 19103.

6-3-1*

CITY COUNCIL

City of Philadelphia Public Hearing Notice

The **Committee of the Whole** of the Council of the City of Philadelphia will hold a Public Hearing on **Wednesday, June 5, 2024, at 4:00 PM, in Room 400, City Hall**, to hear testimony on the following items:

240168 Resolution appointing Madison McCarron to the Board of Directors of the City Avenue Special Services District of Philadelphia and Lower Merion.

240552 An Ordinance appointing Briana Wilkins to the Board of Directors for the Old City Special Services District.

Immediately following the public hearing, a meeting of the Committee of the Whole, 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.

6-3-1*

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 **Thursday, June 6, 2024, at 9:00-9:30 AM, in Room 400, City Hall**, to hear testimony on the following item:

240532 An Ordinance authorizing the Pennsylvania Department of Transportation to approve the construction, ownership, and maintenance of a proposed set of nonstandard bollards at 615 N. Broad Street, Philadelphia, PA 19123, under certain terms and conditions.

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 item.

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

6-3-1*

FICTITIOUS NAMES

Notice is hereby given, pursuant to the provisions of Act of Assembly, No. 295, effective March 16, 1983, of the filing in the office of the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on May 17, 2024, an application for the conduct of a business in Philadelphia County, Pennsylvania, under the assumed or fictitious name, style or designation of **David Henry Fine Art** with the principal place of business at 264 West Harvey Street, Philadelphia, PA 19144. The name and address of the person owning or interested in said business is: Kenneth Blumberg, 264 West Harvey Street, Philadelphia, PA 19144.

6-3-1*

INTENT TO FORECLOSE

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY, PENNSYLVANIA, CIVIL DIVISION, NO: 190404569
MCLP Asset Company, Inc., **PLAINTIFF VS.** Carol Bormann, Known Heir of Rolf G. Bormann, Deceased and Christopher Bormann, known Heir of Rolf G. Bormann, deceased and Unknown Heirs, Successors, Assigns, and All Persons, Firms, or Associations Claiming Right, Title or under Rolf G. Bormann, deceased, **DEFENDANTS**

NOTICE OF SHERIFF'S SALE OF REAL PROPERTY
TO: Unknown Heirs, Successors, Assigns, and All Persons, Firms, or Associations Claiming Right, Title or under Rolf G. Bormann, deceased 2705 South Beulah Street Philadelphia, PA 19148
Your house (real estate) at:
2705 South Beulah Street, Philadelphia, PA 19148
395201700

is scheduled to be sold at a Public on-line auction conducted by **Bid4Assets, 8757 Georgia Ave., Suite 520, Silver Springs, MD 20910 on July 2, 2024 at 10:00AM** to enforce the court judgment of \$102,339.92 obtained by MCLP Asset Company, Inc. against you.

NOTICE OF OWNER'S RIGHTS

YOU MAY BE ABLE TO PREVENT THIS SHERIFF'S SALE
To prevent this Sheriff's Sale you must take immediate action:

1. The sale will be canceled if you pay back to MCLP Asset Company, Inc. the amount of the judgment plus costs or the back payments, late charges, costs, and reasonable attorneys fees due. To find out how much you must pay, you may call: **(610) 278-6800**.

PLEASE NOTE a Schedule of Distribution will be filed by the Sheriff on a date specified by the Sheriff not later than thirty (30) days after sale. Distribution will be made in accordance with the schedule unless exceptions are filed thereto within 20 days after the filing of the schedule.

6-3-1*

NON-PROFIT CHARTER

Concerned Old City Neighbors Inc. has been incorporated under the provisions of the Pennsylvania Nonprofit Corporation Law of 1988, as amended.
Capstone Law LLC
1760 Market Street
Suite 1200
Philadelphia, PA 19103

6-3-1*

NOTICE IS HEREBY GIVEN that an application will be made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pa., on or after May 28, 2024 for the purpose of obtaining a charter of a proposed nonprofit corporation to be organized under the 1988 Nonprofit Corporation Law of the Commonwealth of Pennsylvania, effective October 1, 1989, as amended. The name of the corporation is **Culture Caravan**. The purposes for which it is to be organized are: Creating and distributing a one-hour radio show to public media organizations with the goal of promoting, educating and exposing international music and the artists who make it.

6-3-1*

RECORDS DEPARTMENT

NOTICE IS HEREBY GIVEN, under Philadelphia Home Rule Charter Section 8-407, that The Department of Aviation has updated its **PHILADELPHIA INTERNATIONAL AIRPORT RULES AND REGULATIONS MANUAL APPENDIX G RELATED TO REGULATORY VIOLATIONS AS OF MAY 24, 2024, EFFECTIVE AS OF JUNE 24, 2024**, and filed them on May 24, 2024 with the Department of Records, Room 158, City Hall, available to view at

<https://www.phila.gov/>

[departments/department-of-records/proposed-regulations/#](https://www.phila.gov/departments/department-of-records/proposed-regulations/#)

Anyone affected thereby may file a written request for hearing with the Department of Records within thirty (30) days of May 24, 2024, including by sending an e-mail to regulations@phila.gov.

James P. Leonard, Esq.
Commissioner of Records

6-3-1*

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