

The Greene Reports

Official Legal Publication for Greene County, Pennsylvania
Owned and operated by Greene County Bar Association
Greene County Courthouse, Waynesburg, PA 15370

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July 9, 2020



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Serving the Legal Community of Greene County
Since October 1982

The Greene Reports

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COURT OF COMMON PLEAS
Honorable Farley Toothman, President Judge
Honorable Louis Dayich, Judge

MOTIONS

Criminal & Civil & O.C.:
July 13 and 15, 2020

CRIMINAL

Arraignments: July 13, 2020
ARDs: August 10, 2020
ARD Revocations: August 10, 2020
Parole Violations: July 13, 2020
Plea Court: August 11, 12 and 13, 2020
License Suspension Appeals: August 24, 2020
Argument Court: August 31, 2020

ORPHANS

Accounts Nisi: July 6, 2020
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SUPERIOR COURT
COMMONWEALTH COURT

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Convenes in Pgh.: July 14, 2020
Convenes in Pgh.: October 13-16, 2020

ARGUMENTS

Argument Court: July 14, 2020

CIVIL

Domestic Relations Contempts: July 27, 2020
Domestic Relations Appeals: July 27, 2020

JUVENILE

Plea Day: July 16, 2020

THE GREENE REPORTS

Owned and published by the GREENE COUNTY BAR ASSOCIATION
Editor: Kayla M. Sammons
E-mail address: editor.greenerreports@yahoo.com

EDITORIAL POLICY

All articles published in The Greene Reports are intended to inform, educate or amuse. Any article deemed by the editorial staff to be reasonably interpreted as offensive, demeaning or insulting to any individual or group will not be published.

The views expressed in the articles represent the views of the author and are not necessarily the views of The Greene Reports or the Greene County Bar Association.

The Greene Reports welcomes letters to the Editor both for publication and otherwise. All letters should be addressed to: Editor, The Greene Reports, Greene County Courthouse, 10 East High Street, Waynesburg, PA 15370. Letters must include signature, address and telephone number. Anonymous correspondence will not be published. All letters for publication are subject to editing and, upon submission, become the property of The Greene Reports.

THE GREENE COUNTY BAR ASSOCIATION

Jessica L. Phillips, President
Christopher M. Simms, Vice-President
Cheryl Cowen, Secretary
Timothy M. Ross, Treasurer
Christine N. Nash, Ex-Officio

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DEED TRANSFERS

The following property transfers have been recorded in the Greene County Recorder of Deeds office.

CUMBERLAND TOWNSHIP

Marjorie Bandish to Robert L. Riley, Lot 835 in Nemaocolin, \$4,000.00 (7-7-20)
Richard L. Trumka, et al., to Ivan Wayne Robinson, Jr., et ux., House Lot 92, Garage Lot 8 in Nemaocolin, \$8,500.00 (7-9-20)
Milos Krewasky to Billy Ray Crowell, Jr., et ux., Lots 31-32 in Hatfield Plan, \$37,000.00 (7-9-20)

DUNKARD TOWNSHIP

Steven Paul Menear to Branden L. Wilson, Lot 164 in Bobtown, \$70,000.00 (7-6-20)
Todd Bowman to Nicole M. Gracek, Lots 7-10 in WC & FC Ross Plan, \$8,500.00 (7-8-20)
Hunter Gum to Brenden T. Martin, 4.6 Acres, \$25,000.00 (7-8-20)

FRANKLIN TOWNSHIP

First Federal Savings & Loan to Shaun Wilson, et ux., 2 Lots, \$45,000.00 (7-7-20)

GILMORE TOWNSHIP

Pikewood Energy Corporation to Three Rivers Royalty LLC, 2 Tracts, O&G, \$22,113.79 (7-8-20)

MORGAN TOWNSHIP

Paul A. Taylor, et al., to Ronald William Golden, et ux., 2 Tracts, \$250,000.00 (7-9-20)

MORRIS TOWNSHIP

Grace Reihner, et ux., to Justin D. Ziefel, 2 Lots, \$12,000.00 (7-6-20)
Brian E. Waychoff, et ux., to Consol Pennsylvania Coal Co LLC, et al., 3 Tracts, \$390,000.00 (7-8-20)

PERRY TOWNSHIP

Charles E. Powers, et ux., to Rebecca Ann Sanders, 2 Tracts, \$85,000.00 (7-8-20)

RICHHILL TOWNSHIP

Mark Jason Lucey to CNX Gas Company LLC, R/W, \$10,000.00 (7-6-20)
Nancy Heath-Hoikkala to RAS Investments LLC, 131.452 Acres, O&G, \$4,485.00 (7-6-20)
Julie B. Redman to RAS Investments LLC, 161.452 Acres, O&G, \$6,727.00 (7-6-20)

SPRINGHILL TOWNSHIP

Frederick E. Beecher, et ux., to RAS Investments LLC, 140 Acres, O&G, \$4,660.00 (7-6-20)
Scott A. Curfman to RAS Investments LLC, 140 Acres, O&G, \$2,166.00 (7-6-20)
Robert C. Curfman to RAS Investments LLC, 140 Acres, O&G, \$2,166.00 (7-6-20)
Wayne L. Clark to Pikewood Energy Corporation, 192 Acres, O&G, \$22,581.00 (7-8-20)

WAYNE TOWNSHIP

Wayne Township, et al., to Neil Chisler, et ux., Lot, \$24,409.00 (7-8-20)
Cathy D. Jernell, et ux., to Three Rivers Royalty LLC, 170 Acres, O&G, \$110,394.86 (7-8-20)

WAYNESBURG BOROUGH

Jeanette B. Lindsay to SR Stuck Properties LLC, Lots 506-507 in Waynesburg Fair Association, \$220,000.00 (7-7-20)

WHITELEY TOWNSHIP

John M. Vandruff, et ux., to Three Rivers Royalty, LLC, et al., 10 Tracts, O&G, \$1,095,494.17 (7-6-20)

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ESTATE NOTICES

NOTICE is hereby given of the grant of letters by the Register of Wills to the Estates of the following named decedents. All persons having claims are requested to make known the same and all persons indebted to the decedent are requested to make payment to the personal representative or his attorney without delay.

FIRST PUBLICATION

BLAND, MARY MARGARET

Late of Center Township, Greene County, Pennsylvania
Administratrix: Tina L. Martin, 320 Fordyce Run Road, Waynesburg, PA 15370
Attorney: Brandon K. Meyer, Esquire, 76 N. Richhill Street, Waynesburg, PA 15370

PAYTON, CAROLE B.

Late of Clarksville Borough, Greene County, Pennsylvania
Executor: Christine R. Clipper c/o Chambers & Pratt, P.C., 223 East High Street, Waynesburg, PA 15370
Attorney: Kimberly J. Simon-Pratt, Esquire, Chambers & Pratt, P.C., 223 East High Street, Waynesburg, PA 15370

SECOND PUBLICATION

BRODAK, JOHN G. A/K/A JOHN GEORGE BRODAK

Late of Cumberland Township, Greene County, Pennsylvania
Personal Representative: Coral L. Brodak, c/o Watson Mundorff LLP, 720 Vanderbilt Road, Connellsville, PA 15425-6218

CALDWELL, JOSEPH KENNETH

Late of Dunkard Township, Greene County, Pennsylvania
Administrator: Chad Caldwell, 222 Blaker Ridge Road, Waynesburg, PA 15370
Attorney: Brandon K. Meyer, Esquire, 76 N. Richhill Street, Waynesburg, PA 15370

GREEN, JAMES LEROY

Late of Dunkard Township, Greene County, Pennsylvania
Executor: Timothy Stranko, 424 Park Street, Morgantown, WV, 26501
Attorney: None

HENRY, RICHARD LEE

Late of Dunkard Township, Greene County, Pennsylvania
Executrix: Helen Diane Henry, 135 Hillman Street, P.O. Box 207, Greensboro, PA 15338
Attorney: Brandon K. Meyer, Esquire, 76 N. Richhill Street, Waynesburg, PA 15370

McCREADY, RONALD L. A/K/A RONALD LEE McCREADY

Late of Morgan Township, Greene County, Pennsylvania
Executrix: Kelly S. Kiger, 295 Iron Rock Road, Waynesburg, PA 15370

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Attorney: Jeffrey N. Grimes, Esquire, 77 South Washington Street, Waynesburg, PA 15370

MILLS, MILDRED W.

Late of Nemacolin, Greene County, Pennsylvania
Executor: George W. Wilson, P.O. Box 245, Nemacolin, PA 15351
Attorney: Adam J. Belletti, Esquire, Pollock Morris Belletti & Simms LLC, 54 South Washington Street, Waynesburg, PA 15370

RIGGENBACH, ERIC C.

Late of Franklin Township, Greene County, Pennsylvania
Administratrix: Angela Riggenbach, 266 Washington Road, Waynesburg, PA 15370
Attorney: Christopher Michael Simms, Esquire, Pollock Morris Belletti & Simms LLC, 54 South Washington Street, Waynesburg, PA 15370

THOMPSON, ROBERT DANIEL

Late of Sycamore, Greene County, Pennsylvania
Executrix: Sandra Elizabeth Thompson, 118 Hall Avenue, Washington, PA 15301
Attorney: Adam J. Belletti, Esquire, Pollock Morris Belletti & Simms LLC, 54 South Washington Street, Waynesburg, PA 15370

THIRD PUBLICATION

BEATTY, HELEN VIOLA

Late of Dunkard Township, Greene County, Pennsylvania
Administratrix: Lori Double, 124 State Route 2011. Dilliner, PA 15327
Attorney: Brandon K. Meyer, Esquire, 76 N. Richhill Street, Waynesburg, PA 15370

DAY, MARGARET

Late of Cumberland Township, Greene County, Pennsylvania
Executrix: Cheryl Gallentine, 120 Yeash Lane, Carmichaels, PA 15320
Attorney: W.B. Kania & Associates CPA's, 71 N. Mt. Vernon Ave., Uniontown, PA 15401

DETER, ROBERT E.

Late of Morgan Township, Greene County, Pennsylvania
Administratrix: Melody L. Deter, 229 West Grace Street, Punta Gorda, FL, 33950
Attorney: Gregory C. Hook, Esquire, 189 W. High Street, P.O. Box 792, Waynesburg, PA 15370

MASON, SHIRLEY A.

Late of Rices Landing, Greene County, Pennsylvania
Executrix: Donna Lynn Higinbotham, 112 Grand Street, Jefferson, PA 15344
Attorney: Kirk A. King, Esquire, 77 South Washington Street, Waynesburg, PA 15370

SHULTZ, CATHERINE R.

Late of Cumberland Township, Greene County, Pennsylvania
Executor: Michael W. Romesburg, 520 West Greene Street, Carmichaels, PA 15320

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Attorney: Gregory C. Hook, Esquire, 189 W. High Street, P.O. Box 792,
Waynesburg, PA 15370

WISE, THOMAS L.

Late of Gilmore Township, Greene County, Pennsylvania
Executrix: Donna Jean Wise, 207 Six Run Road, New Freeport, PA 15352
Attorney: Jeffry N. Grimes, Esquire, 77 South Washington Street, Waynesburg, PA
15370

WOODS, MAE MARIA

Late of Wayne Township, Greene County, Pennsylvania
Executrix: Clarence W. Woods, 1080 Smith Creek Road, Waynesburg, PA 15370
Attorney: Lisa J. Buday, Esquire, P.O. Box 488, California, PA 15419

LEGAL NOTICE

DISSOLUTION NOTICE

Notice is hereby given by Slingin' Ink Tattoos, LLC, ("Company") a Pennsylvania Limited Liability Company, that said business is winding up its affairs in the manner prescribed by § 8872 of the Pennsylvania Business Corporation Law of 1988, so that its corporate existence shall cease upon the filing of a Certificate of Dissolution with the Department of State of the Commonwealth of Pennsylvania.

NOTICE TO CLAIMANTS: All claims against the assets of the Company must be made in writing and include the claim amount, basis, and origination date. The deadline for submitting claims is 120 days after the date of this notice. Any claims not received by the Company prior to the date set forth above will not be recognized. A claim against the Company is barred unless an action to enforce the claim is commenced within two years after publication of this notice.

Debtors are requested to pay all outstanding obligations no later than 90 days after the date of this notice. Payments should be made to Clay or Sheree Smith. All claims and payments must be sent to 643 Rudolph Run Road, Spraggs, PA 15362.

Christine N. Nash, Esquire
1024 Route 519, Suite 400
Eighty Four, PA 15330

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SUPREME COURT NOTICE

SUPREME COURT OF PENNSYLVANIA CIVIL PROCEDURAL RULES COMMITTEE

NOTICE OF PROPOSED RULEMAKING

Proposed Amendment of Pa.R.C.P. No. 401(b)(2)

The Civil Procedural Rules Committee is considering proposing to the Supreme Court of Pennsylvania the amendment of Rule 401(b)(2) governing the reissuance or reinstatement of original process set forth in the accompanying explanatory report. Pursuant to Pa.R.J.A. No. 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 reports, notes, or comments in the proposal have been inserted by the Committee for the convenience of those using the rules. They will neither constitute a part of the rules nor will be officially 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:

Karla M. Shultz, Counsel
Civil Procedural Rules Committee
Supreme Court of Pennsylvania
Pennsylvania Judicial Center
PO Box 62635
Harrisburg, PA 17106-2635
FAX: 717-231-9526
civilrules@pacourts.us

All communications in reference to the proposal should be received by **September 25, 2020**. 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 Civil Procedural Rules Committee,
John J. Hare
Chair

Rule 401. Time for Service. Reissuance, Reinstatement, and Substitution of Original Process.

(a) Original process shall be served within the Commonwealth within 30 days after the issuance of the writ or the filing of the complaint.

Note: See Rule 404 for the time for service outside the Commonwealth.

(b)(1) If service within the Commonwealth is not made within the time prescribed by subdivision (a) of this rule or outside the Commonwealth within the time prescribed by Rule 404, the prothonotary upon praecipe and upon presentation of the original process, shall continue its validity by reissuing the writ or reinstating the complaint, by writing thereon "reissued" in the case of a writ or "reinstated" in the case of a complaint.

(2) A writ may be reissued or a complaint reinstated at any time and any number of times. A new party defendant may be named in a reissued writ or a reinstated complaint **only if the writ or complaint has not been served on any defendant.**

Note: A new party defendant cannot be added to a reissued writ or reinstated complaint if service has been completed on a defendant already named in the writ or complaint. For cases involving multiple defendants, a new party defendant cannot be added to a reissued writ or reinstated complaint if service has been completed on any defendant already named in the writ or complaint.

If a new party defendant cannot be added pursuant to this rule, other procedures are available. See Rule 219 to discontinue to start a new action; Rule 1033 to amend the caption of the writ or complaint by agreement of the party or by leave of court; or Rule 2232 to seek leave of court for an order joining a defendant.

(3) A substituted writ may be issued or a substituted complaint filed upon praecipe stating that the former writ or complaint has been lost or destroyed.

(4) A reissued, reinstated, or substituted writ or complaint shall be served within the applicable time prescribed by subdivision (a) of this rule or by Rule 404 after reissuance, reinstatement, or substitution.

(5) If an action is commenced by writ of summons and a complaint is thereafter filed, the plaintiff, instead of reissuing the writ, may treat the complaint as alternative original process and as the equivalent for all purposes of a reissued writ, reissued as of the date of the filing of the complaint. Thereafter the writ may be reissued, or the complaint may be reinstated as the equivalent of a reissuance of the writ, and the plaintiff may use either the reissued writ or the reinstated complaint as alternative original process.

Note: If the applicable time has passed after the issuance of the writ or the filing of the complaint, the writ must be reissued or the complaint reinstated to be effective as process. Filing or reinstatement or substitution of a complaint, which is used as alternative process under this subdivision, has been held effective in tolling the statute of limitations as the reissuance or substitution of a writ.

Explanatory Comment

Rule 401(b)(2) provides: "A writ may be reissued or a complaint reinstated at any time and any number of times. A new party defendant may be named in a reissued writ or a reinstated complaint." On its own, a literal reading of Rule 401(b)(2) suggests that a new party defendant can be added at any time upon the reissuance of a writ or reinstatement of a complaint; neither the rule nor its explanatory comment provide context as to its application. In practice, self-represented litigants have interpreted this provision to allow new defendants to be added simply by reissuing the writ or reinstating the complaint without any context as to whether service of the writ or complaint has already been completed pursuant to subdivision (a) on a named defendant. In addition, the rule does not provide any guidance as to the operation of this subdivision when there are multiple defendants.

The proposed amendment would clarify that a new party defendant may be added to a reissued writ or reinstated complaint only if service of the writ or complaint on the defendant has not yet been completed. A proposed note would also be added to provide guidance for cases involving multiple defendants: if service has been completed for any defendant, a plaintiff cannot add a new defendant pursuant to this rule. In addition, the proposed note would cross-reference three other procedural methods for adding a defendant should a plaintiff be precluded from doing so pursuant to Rule 401(b)(2). These procedural methods include: discontinuance pursuant to Rule 229 and starting a new action; agreement by the parties or seeking leave of court to amend the pleading pursuant to Rule 1033, and seeking leave of court for an order joining a defendant pursuant to Rule 2232.

Accordingly, the Committee invites all comments, objections, concerns, and suggestions regarding this proposed rulemaking.

SUPREME COURT NOTICE

**SUPREME COURT OF PENNSYLVANIA
CIVIL PROCEDURAL RULES COMMITTEE**

NOTICE OF PROPOSED RULEMAKING

Proposed Amendment of Pa.R.C.P. No. 400

The Civil Procedural Rules Committee is considering proposing to the Supreme Court of Pennsylvania the amendment of Pa.R.C.P. No. 400 governing the person to make service for the reasons set forth in the accompanying explanatory report. Pursuant to Pa.R.J.A. No. 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 reports, notes, or comments in the proposal have been inserted by the Committee for the convenience of those using the rules. They will neither constitute a part of the rules nor will be officially 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:

**Karla M. Shultz, Counsel
Civil Procedural Rules Committee
Supreme Court of Pennsylvania
Pennsylvania Judicial Center
PO Box 62635
Harrisburg, PA 17106-2635
FAX: 717-231-9526
civilrules@pacourts.us**

All communications in reference to the proposal should be received by **September 25, 2020**. 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 Civil Procedural Rules Committee,
John J. Hare
Chair

SUPREME COURT OF PENNSYLVANIA
CIVIL PROCEDURAL RULES COMMITTEE

PUBLICATION REPORT

The Civil Procedural Rules Committee is considering proposing the amendment of Rule 400(b) governing those actions in which both the sheriff and a competent adult may serve original process.

28 U.S.C. § 1441(a) provides that a civil action brought in a state court may be removed to federal court where there is federal subject matter jurisdiction, including where there is complete diversity of citizenship between all plaintiffs and all defendants.

In Encompass Ins. Co., the United States Third Circuit Court of Appeals held that Section 1441(b) does not prevent removal to federal court on the basis of diversity jurisdiction where there is a forum defendant when the forum defendant has not yet been served.

Preliminarily, delay between the filing of the complaint and original service provides opportunity for "snap" removal. As reported to the Committee, the method of original service available to plaintiffs is a significant factor in the magnitude of any delay.

The Committee observed that Rule 400(a) provides that the sheriff must serve original process of civil actions within the Commonwealth. Rule 400(b) sets forth certain, discrete civil actions for which, in addition to service by the sheriff, original process within the Commonwealth may be served by a competent adult.

The various means of permissible original service in Pennsylvania, as provided by the Rules, has resulted in disparate delays in original service, which has led to inconsistent "snap" removal opportunities based upon the county of filing.

An alternative resolution would be to remove the category of cases subject to "snap" removal from operation of Rule 400(b) so that such cases must also be served by sheriff pursuant to Rule 400(a).

Accordingly, the Committee invites all comments, objections, concerns, and suggestions regarding this proposed rulemaking.

Rule 400. Person to Make Service.

(a) Except as provided in subdivisions (b) and (c) and in Rules 400.1 and 1930.4, original process shall be served within the Commonwealth only by the sheriff.

(b) In addition to service by the sheriff, original process may be served also by a competent adult in the following actions:

- (1) a civil action in which the complaint includes a request for injunctive relief under Rule 1531, perpetuation of testimony under Rule 1532 or appointment of a receiver under Rule 1533[.];
(2) partition[, and];
(3) declaratory judgment when declaratory relief is the only relief sought[.];

and

(4) a civil action in which there is a complete diversity of citizenship between all plaintiffs and all defendants, and at least one defendant is a citizen of Pennsylvania.

Note: See Rule 76 for the definition of "competent adult."

Service of original process in domestic relations matters is governed by Rule 1930.4.

(c) When the sheriff is a party to the action, original process shall be served by the coroner or other officer authorized by law to perform the duties of coroner.

(d) If service is to be made by the sheriff in a county other than the county in which the action was commenced, the sheriff of the county where service may be made shall be deputized for that purpose by the sheriff of the county where the action was commenced.

SUPREME COURT NOTICE

SUPREME COURT OF PENNSYLVANIA
CIVIL PROCEDURAL RULES COMMITTEE
NOTICE OF PROPOSED RULEMAKING
Proposed Adoption of Pa.R.C.P. No. 202.1

The Civil Procedural Rules Committee is considering proposing to the Supreme Court of Pennsylvania the adoption of new Rule 202.1 governing representation of parties for the reasons set forth in the accompanying explanatory report.

Any reports, notes, or comments in the proposal have been inserted by the Committee for the convenience of those using the rules. They will neither constitute a part of the rules nor will be officially 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:

Karla M. Shultz, Counsel
Civil Procedural Rules Committee
Supreme Court of Pennsylvania
Pennsylvania Judicial Center

PO Box 62635
 Harrisburg, PA 17106-2635
 FAX: 717-231-9526
civilrules@pacourts.us

All communications in reference to the proposal should be received by **September 25, 2020**. 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 Civil Procedural Rules Committee,
 John J. Hare
 Chair

**SUPREME COURT OF PENNSYLVANIA
 CIVIL PROCEDURAL RULES COMMITTEE**

PUBLICATION REPORT

The Civil Procedural Rules Committee is considering proposing new Rule 202.1 to govern representation of parties in the courts of common pleas. It is based on Allegheny County Local Rule 200 and would permit under certain parameters for a partnership, corporation or similar entity, or an unincorporated association to appear *pro se*.

In developing the proposed rule, the Committee initially examined a conflict in the case law concerning representation of incorporated entities in appeals from magisterial district courts. In *Jamestown Condominium, an unincorporated association v. Sofayov* (No. 2642 C.D. 2015, filed January 13, 2017), the Commonwealth Court determined that a general partner of a limited partnership who is not authorized to practice law could appear *pro se* on behalf of the limited partnership. The case was commenced in Allegheny County magisterial district court and the general partner, who was not a lawyer, appeared *pro se* on behalf of the limited partnership. Upon appeal to the court of common pleas, absent a statewide rule, Allegheny Local Rule 200 authorized a general partner of a limited partnership to appear *pro se* provided that the relief sought is within the jurisdictional limits of the magisterial district court.

However, in *David R. Nicholson Building, LLC v. Jablonski*, 163 A.3d 1048 (Pa. Super. 2017), the Superior Court determined that the sole member of a limited liability company could not appear *pro se* on behalf of his entity even in the case where the amount in controversy was within the jurisdictional limit of the magisterial district courts. This case was commenced in Union County magisterial district court. Upon appeal to the court of common pleas, no state or local rule permitted the limited liability company to appear *pro se*.

Additionally, the Committee observed that representation of partnerships, corporations, and unincorporated associations is already permitted by a non-lawyer in proceedings before the minor judiciary. In the magisterial district courts, Pa.R.C.P.M.D.J. No. 207 authorizes non-lawyers to represent individuals, partnerships, corporations, and unincorporated associations. The rule allows the representation of (1) individuals to include an authorized representative, (2) partnerships to include a partner, or employee or authorized agent of the partnership, and (3) corporations and unincorporated associations to be represented by an officer, employee, or authorized agent.

The Philadelphia Municipal Court also permits similar representation pursuant to Phila. M.C.R. Civ.P No. 131.

It was also reported to the Committee that some courts of common pleas are establishing housing courts. Many landlords are small incorporated businesses, who, even if incorporated, may represent themselves in the magisterial district courts pursuant to Pa.R.C.P.M.D.J. No. 207. Yet, on appeal of the same case from the minor judiciary to the court

of common pleas, continuation of such representation is not currently permitted; an incorporated entity must then seek out representation by an attorney for the same matter adjudicated in the magisterial district court. A request was made to create continuity of representation in both the minor courts to the court of common pleas for these cases.

Finally, the Committee reviewed Allegheny County Local Rule 200. It authorizes a partner or officer to represent a partnership, corporation, or unincorporated association in the Court of Common Pleas of Allegheny County. Unlike Pa.R.C.P.M.D.J. 207 and Phila. M.C.R.Civ.P. No. 131, it is more limited. The local rule permits only a partner or an officer to represent a partnership, corporation, or unincorporated association. The local rule is also limited in scope. It applies only to (1) a civil action commenced in or appealed to the court of common pleas in which the relief sought does not exceed the jurisdictional limits of the magisterial district court, or (2) an appeal from a judgment entered in a magisterial district court for the recovery of the possession of real property.

Proposed new Rule 202.1 is intended to permit limited *pro se* representation of a partnership, a corporation or similar entity, or an unincorporated association. Such representation would be permitted only in appeals from the minor judiciary; no action could be initially commenced in the court of common pleas by a partnership, corporation or similar entity, or unincorporated association appearing *pro se*. Specifically, such representation would be permitted in an appeal of a civil action or a landlord-tenant action for the recovery of the possession of real property from (1) a magisterial district court provided the relief sought in the court of common pleas does not exceed the jurisdictional limit¹ of the magisterial district court, or (2) the Philadelphia Municipal Court provided the relief sought in the court of common pleas does not exceed the jurisdictional limit² of the Philadelphia Municipal Court.

The proposed rule would intentionally limit the relief sought in the court of common pleas to the jurisdictional limits of the minor judiciary to promote continuity of

¹ The current jurisdictional limit for civil actions in the magisterial district courts is \$12,000. See 42 Pa.C.S. § 1515(a)(3).

² The current jurisdictional limit for civil actions in the Philadelphia Municipal Court is \$12,000. See 42 Pa.C.S. § 1123(a)(4) representation on the exact same case as well as to prevent a party from abusing proceedings before the minor judiciary as entree to *pro se* representation in the court of common pleas to seek a greater relief.

Any and all representation pursuant to the rule would terminate at the conclusion of trial and would not extend to appellate proceedings.

Accordingly, the Committee invites all comments, objections, concerns, and suggestions regarding this proposed rulemaking.

Rule 202.1. Representation of Parties.

(a) *Individuals or Sole Proprietorships.* An individual or a sole proprietorship may represent themselves, or be represented by an attorney.

(b) *Partnerships, Corporations or Similar Entities, and Unincorporated Associations.* Except as provided in subdivision (c), a partnership, a corporation or similar entity, or an unincorporated association, shall be represented by an attorney. A corporation shall be represented by an attorney regardless of the amount in controversy if the action involves a dispute between shareholders or officers of the same corporation.

(c) *Pro Se Representation of Partnerships, Corporations or Similar Entities, and Unincorporated Associations.*

(1) A partnership, corporation or similar entity, or unincorporated association may be represented by a partner or officer in an appeal of a civil action for

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money damages or landlord-tenant action for the recovery of the possession of real property from:

(i) the Magisterial District Court, in which the relief sought in the court of common pleas does not exceed the jurisdictional limit of the Magisterial District Court; or

(ii) the Philadelphia Municipal Court, in which the relief sought in the court of common pleas does not exceed the jurisdictional limit of the Philadelphia Municipal Court; or

(2) Representation pursuant to this subdivision in the court of common pleas shall terminate at the conclusion of trial and shall not extend to appellate proceedings.

Note: See 42 Pa.C.S. § 1515(a)(3) for the jurisdictional limit in the magisterial district courts and 42 Pa.C.S. § 1123(a)(4) for the jurisdictional limit in the Philadelphia Municipal Court.

See Rules 2026 *et seq.* as to representation of minors and 2051 *et seq.* as to representation of incapacitated persons by guardians.