

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

COMMONWEALTH OF
PENNSYLVANIA,

Plaintiff,

v.

PENNSYLVANIA STATE
CONSTABULARY,

Defendant.

CERTIFICATE OF COMPLIANCE

The undersigned certifies that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

MEYER, UNKOVIC & SCOTT LLP

By: /s/ Justin D. Beck
Justin D. Beck

) CIVIL DIVISION

)

) No. SA-23-000552

)

) **MOTION TO ORDER DISCOVERY**

)

) Filed on Behalf of: Defendant,
Pennsylvania State Constabulary

)

) Counsel of Record for this Party:

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IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

COMMONWEALTH OF)	CIVIL DIVISION
PENNSYLVANIA,)	
)	
Plaintiff,)	No. SA-23-000552
)	
v.)	
)	
PENNSYLVANIA STATE)	
CONSTABULARY,)	
)	
Defendant.)	

MOTION TO ORDER DISCOVERY

Defendant Pennsylvania State Constabulary (the “Constabulary”) moves this Court to enter an Order affirming its entitlement to conduct first and third-party discovery in this matter, stating as follows:

PROCEDURAL HISTORY

1. This is a statutory appeal from the Pennsylvania Department of Transportation’s (“PennDOT”) September 26, 2023, suspension of registration plate number MG3590N (the “Registration Plate”).¹
2. PennDOT originally issued the Registration Plate for a 2018 Ford Police Interceptor owned by the Constabulary.
3. The Constabulary timely appealed PennDOT’s suspension on October 6, 2023.

THE CONSTABULARY’S DISCOVERY REQUESTS

4. On May 29, 2024, the Constabulary served PennDOT with a First Set of Interrogatories and Requests for Production of Documents (the “Discovery Requests”). A true and correct copy of the Discovery Requests is attached at **Exhibit A**.

¹ PennDOT has since represented that the “suspension” was in fact a “revocation.”

5. PennDOT's responses to the Discovery Requests are due on or before July 1, 2024.

6. However, during a hearing in this matter on May 30, 2024, PennDOT's counsel took the position, in open Court, that the Constabulary is not entitled to conduct discovery in these proceedings.

7. Based upon counsel's representation, it is anticipated that PennDOT will refuse to serve any such responses by the deadline referenced above.

8. Anticipating PennDOT's noncompliance, the Constabulary files this motion to secure an Order directing PennDOT to serve timely responses to the Discovery Requests, as well as affirm the Constabulary's entitlement to conduct necessary third-party discovery.

9. By letter dated June 21, 2024, the Constabulary advised PennDOT's counsel of this forthcoming motion and its specific legal bases. A true and correct copy of the June 21, 2024, letter is attached at **Exhibit B**.

ARGUMENT

10. This is a statutory appeal from PennDOT's suspension/revocation of the Vehicle's Registration Plate.

11. Neither the Pennsylvania Rules of Civil Procedure nor the Rules of Criminal Procedure specifically apply to statutory appeals. *See Appeal of the Borough of Churchill*, 575 A.2d 550 (Pa. 1990).

12. Moreover, Allegheny County has never adopted local procedural rules directly applicable to statutory appeals.

13. In the absence of any such rules, the practice "is left to the discretion of the trial court, which always has the right to regulate the practice and procedure before it." *Id.* at 553.

14. A trial court deciding a statutory appeal also has the inherent authority "to take reasonable measures to ensure that a record sufficient for judicial review exists." *Bowling v. OOR*, 990 A.2d 813, 822 (Pa. Cmwlt. 2010).

15. This Court should exercise its inherent authority in these proceedings and order PennDOT to serve timely responses to the Constabulary's Discovery Requests.

16. The outcome of this statutory appeal turns on whether the Constabulary qualifies as a government or quasi-government entity that is eligible for a Municipal Government registration plate.

17. To decide this ultimate issue, both first and third-party discovery must be conducted.

18. Specifically, the Constabulary must obtain facts and documents currently within the sole custody and control of PennDOT, the Pennsylvania State Police, and the Pennsylvania Department of Revenue.

19. Each of these entities maintain knowledge, information, and documents that are critical to determining the Constabulary's eligibility for a Municipal Government registration plate. That eligibility directly impacts the propriety of PennDOT's suspension/revocation of the Registration Plate.

20. Without this first and third-party discovery, the Constabulary cannot mount a full and fair defense to PennDOT's suspension/revocation of the Registration Plate.

21. To protect the Constabulary's due process rights in these proceedings, this Court should order PennDOT to timely respond to the Discovery Requests and also affirm the Constabulary's right to conduct third-party discovery.

COURT'S RULING ON AUTOMATIC SUPERSEDEAS

22. Most recently, on June 20, 2024, this Court entered an Order granting PennDOT's Motion for Reconsideration, effectively reversing its prior grant of *supersedeas* pending final disposition of this matter.

23. The Court granted PennDOT's Motion for Reconsideration more than three weeks after it was filed and without any evidentiary basis to support its factual allegations. Indeed, the

Court did not hold any type of evidentiary hearing and the facts contained in the Motion were not verified by any individual with personal knowledge.

24. While the Constabulary disagrees with the Court's ruling, the issues raised in the instant motion are entirely separate and distinct from those involved in the Motion for Reconsideration, and the Constabulary remains entitled to both first and third-party discovery for the reasons set forth above.

WHEREFORE, the Constabulary asks this Court to grant this motion and enter the attached Order, affirming its right to conduct both first and third-party discovery in this matter.

Date: June 21, 2024

Respectfully submitted,

/s/ Roy E. Leonard

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*Counsel for Defendant, Pennsylvania State
Constabulary*

EXHIBIT A

**IN THE COURT OF COMMON PLEAS
OF ALLEGHENY COUNTY, PENNSYLVANIA**

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,

Plaintiff,

v.

PENNSYLVANIA STATE
CONSTABULARY,

Defendant.

SUMMARY APPEALS BRANCH

Case No. SA-23-552

**DEFENDANT'S FIRST SET OF
INTERROGATORIES DIRECTED TO
PLAINTIFF**

On behalf of Defendant:

**PENNSYLVANIA STATE
CONSTABULARY**

Counsel of Record for this Party:

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**IN THE COURT OF COMMON PLEAS
OF ALLEGHENY COUNTY, PENNSYLVANIA**

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,

SUMMARY APPEALS BRANCH

Case No. SA-23-552

Plaintiff,

v.

PENNSYLVANIA STATE
CONSTABULARY,

Defendant.

DEFENDANT’S FIRST SET OF INTERROGATORIES DIRECTED TO PLAINTIFF

Defendant, Pennsylvania State Constabulary, submits the following Interrogatories, to be severally and separately answered in writing, under oath, by Plaintiff, Commonwealth of Pennsylvania, Department of Transportation, with a true and correct copy of such answers to be served by no later than July 1, 2024, unless otherwise agreed or ordered, pursuant to the provisions of Rule 4006 of the Pennsylvania Rules of Civil Procedure.

INSTRUCTIONS

1. The singular of any word used herein shall include the plural of such word, and the plural shall include the singular. The use of a masculine, feminine or neuter pronoun shall be understood to include all other genders. The words “and” and “or” shall be conjunctive and disjunctive. The terms “related,” “relating,” “regarding,” or “concerning” shall mean referred to, alluded to, related to, connected with, commencing on, in respect of, about, including, discussing, evidencing, constituting, showing, describing, in support of, in substitution of, reflecting, and analyzing.

2. As provided by Rule 4007.4 of the Pennsylvania Rules of Civil Procedure, You are requested to supplement your response to each of the following interrogatories as and when any additional information becomes known or available to You.

3. Unless otherwise specified, the relevant time period is from **January 1, 2022 to the present.**

4. Any Document that is attached by staple, clip or otherwise to a Document requested herein shall also be identified (attached in the same manner as the original) regardless of whether the production of that Document is otherwise identified herein.

DEFINITIONS

1. “**Bethel Park**” shall mean Bethel Park Borough, Allegheny County, including its present or former police officers, employees, agents, representatives, counsel, and all other Persons acting or purporting to act under its control or on its behalf.

2. “**Castle Shannon**” shall mean Castle Shannon Borough, Allegheny County, including its present or former police officers, employees, agents, representatives, counsel, and all other Persons acting or purporting to act under its control or on its behalf.

3. “**CETB**” shall mean the Constables’ Education and Training Board of PCCD, including its present or former employees, agents, representatives, counsel, and all other Persons acting or purporting to act under its control or on its behalf.

4. “**Certificate of Title**” shall mean the certificate of title issued for Defendant’s Vehicle having Pennsylvania title number 78865259.

5. “**Constable Knapp**” shall mean Constable Jason C. Knapp (a/k/a Jason Christopher Knapp), who is the duly elected constable in and for the Second Ward of the City of

Pittsburgh, Allegheny County, his agents, representatives, counsel, and all other Persons acting or purporting to act under his control or on his behalf.

6. “**Communication(s)**” shall mean any and all of the following: Documents and information, whether electronic, written or otherwise, including correspondence, email, instant messaging, paging, wikis, blogs, chat room content or text messaging, audio and/or video, conversation(s) by telephone, meetings, any utterance, notation, statement or contact, oral or written, formal or informal, at any time or place, and under any circumstances whatsoever in which any information of any nature was transmitted or exchanged.

7. “**Defendant**” shall mean the defendant in the above-captioned case.

8. “**Defendant’s Vehicle**” shall mean that certain 2018 Ford Police Interceptor having Vehicle Identification Number (VIN) 1FM5K8AR4JGB33960.

9. “**Document(s)**” shall mean each and every document, including Electronically Stored Information, in Your possession, custody or control, however and by whomever prepared, produced, reproduced, generated, disseminated, or made, in any form, electronic or otherwise, wherever located, including all originals, and any non-identical copies (whether different from originals because of notes made on such copies or otherwise), drafts, and if writing appears on the reverse side, the reverse side of each Document including, but not limited to the following: correspondence, email, memoranda; notes; comments; reports; worksheets; plans; minutes; inter- and intra-office memoranda; notes, summaries, statements, and/or transcripts of conferences, discussions, meetings, interviews, visits, surveys, inspections, examinations, reviews or telephone conversations; diaries, desk calendars, appointment books and telephone logs; tabulations, calculations, computations or statistics; drawings, designs, plans, specifications, diagrams or charts; forecasts and projections; purchase orders; quotations; estimates; bids; proposals; invoices;

receipts; acknowledgments; bills of lading; contracts, agreements, licenses, leases or options; checks, check stubs, drafts, or debit and credit memoranda; books and records, including but not limited to, journals, ledgers, balance sheets, profit and loss statements, together with all adjustments, notes and memoranda; financial data; income tax returns, forms, schedules and worksheets; prospectuses; stock certificates and evidence of stock ownership; bulletins, brochures, circulars, advertisements or sales literature; newspaper or magazine articles, pamphlets, books, texts, manuals, magazines, or publications; findings; governmental reports, regulations, filings or orders; pronounced or stored information from users or other information retrievable systems, including but not limited to, computer software, sound recordings, microfilm, microfiche, and any other written, printed, typed, taped, records or graphic matter. Any Document that contains any notation, marking, comment, addition or insertion of any kind that is not a part of other copies of the Document is to be considered a separate Document and must be additionally produced.

10. **“Electronically Stored Information”** or **“ESI”** shall mean any type of information or record stored electronically, including “metadata” (metadata includes all of the contextual, processing, and use information needed to Identify and certify the scope, authenticity, and integrity of active or archival electronic information or records; for example, file designation, create and edit dates, authorship, comments, edit history, hidden text, formatting codes, and formulae), regardless of the electronic medium on which it is stored.

11. **“Electronic Media Device(s)”** shall mean any type of portable or removable electronic media which stores ESI including, but not limited to, desktop computers and workstations, laptops, Personal and/or home computers, servers, Personal digital assistants, tablets (such as iPads), mobile telephones, external hard drives, tapes, cartridges, optical disks and flash or USB drives.

12. “**Identify**” when used to refer to:

(a) a Document, shall mean to state the following: (i) the date of the Document or if specific date is unknown, the month and year or other best approximation of such date; (ii) the type of Document (e.g. letter, memorandum, telegraph, chart); (iii) the author(s) or originator(s) of the Document; (iv) each addressee and the Person to whom copies were sent; (v) the subject matter of each such Document and the number of pages; (vi) the identity of the custodian in the last-known location of the Document.

(b) a natural Person, shall mean to state: (i) the Person’s full name and present or last-known resident and business address and telephone numbers; (ii) the Person’s present or last-known occupation, title, employer or business affiliations; (iii) if such Person has ever been employed by You or owned or participated in any way in Your business or activities, so indicate and state the nature and time period of such employment, ownership or participation.

(c) an entity other than a natural Person, shall mean to state its full name, present or last-known address of its principal office or place of doing business and the type of entity (e.g. government agency, corporation).

13. “**Motion for Reconsideration**” shall mean Plaintiff’s Motion for Reconsideration filed on May 17, 2024 in the above-captioned case.

14. “**Motion to Enforce**” shall mean Defendant’s Motion to Enforce the Automatic Supersedeas and for Sanctions filed on April 15, 2024 in the above-captioned case.

15. “**Official Notice of Recall**” shall mean that certain letter dated September 11, 2023 issued by Plaintiff to Defendant, wherein Plaintiff recalled the Certificate of Title.

16. “**Official Notice of Suspension**” shall mean that certain letter dated September 11, 2023 issued by Plaintiff to Defendant, wherein Plaintiff suspended the Registration Plate.

17. “**Order of Court**” shall mean the order granting the Motion to Enforce entered on May 9, 2024 in the above-captioned case.

18. “**PCCD**” shall mean the Pennsylvania Commission on Crime and Delinquency, including its present or former employees, agents, representatives, counsel, and all other Persons acting or purporting to act under its control or on its behalf.

19. “**Person**” shall mean natural persons, proprietorships, corporations, public corporations, municipal corporations, the federal government, state governments, local governments, other governmental agencies, political subdivisions, partnerships, joint ventures, groups, trusts, associations, organizations, or any other entity. Whenever a reference herein is made to any person, firm, corporation, partnership, association, or other entity, such reference shall also mean any of such Person’s present or former employees, agents, officers, directors, or shareholders, or any of its present or former subsidiaries, parent corporation or predecessor or affiliate corporations, partnerships, trusts, associations or any other entities in which such Person has or has had an interest, and any Person, firm, partnership, corporation, independent contractor, broker or other entity acting on its behalf, and it shall also mean the Person referred to acting jointly with any of the Persons referred to in this paragraph.

20. “**Petition for Appeal**” shall mean the Petition for Appeal from Order of Secretary of Transportation Suspending Registration Plate Number filed on October 6, 2023 in the above-captioned case.

21. **“Plaintiff,” “You” or “Your”** shall mean Plaintiff, Commonwealth of Pennsylvania, Department of Transportation, including its present or former employees, agents, representatives, counsel, and all other Persons acting or purporting to act under its control or on its behalf.

22. **“PSP”** shall mean the Pennsylvania State Police, including its present or former troopers, employees, agents, representatives, counsel, and all other Persons acting or purporting to act under its control or on its behalf.

23. **“Registration Plate”** shall mean Pennsylvania registration plate number MG3590N issued to Defendant’s Vehicle on August 11, 2022. The term “Registration Plate” shall include the terms “vehicle registration” and “registration card”.

24. **“Response in Opposition”** shall mean the Defendant’s Response in Opposition to Motion for Reconsideration and Request for Sanctions Against Plaintiff filed on May 28, 2024 in the above-captioned case.

25. **“Revenue”** shall mean the Pennsylvania Department of Revenue, including its present or former employees, agents, representatives, counsel, and all other Persons acting or purporting to act under its control or on its behalf.

26. **“Trooper Gordon”** shall mean Trooper Timothy R. Gordon, Jr. of PSP, who is or was stationed at Moon Township, Allegheny County barracks (Troop B) and assigned to the Vehicle Fraud Unit.

INTERROGATORIES

1. Identify each Person with knowledge and/or information regarding Defendant's application for and/or suspension of the Registration Plate.

ANSWER:

2. Identify each Person with knowledge and/or information regarding Defendant's application for and/or recall of the Certificate of Title.

ANSWER:

3. State whether Plaintiff considers Constable Knapp, while acting in his official capacity as a constable, to be included within the meaning of the term(s) "police officer" and/or "emergency service responder," as the terms are defined or used in the Vehicle Code and Identify each and every fact on which Your answer relies.

ANSWER:

4. State whether Plaintiff considers Defendant's Vehicle, as an official vehicle of a law enforcement agency, to be included within the meaning of the term(s) "police vehicle," "emergency vehicle," and/or "privately owned vehicle," as the terms are defined or used in the Vehicle Code and Identify each and every fact on which Your answer relies.

ANSWER:

5. Describe all facts and Identify all Documents, including Communications, supporting, refuting, or relating to Plaintiff’s assertion in the Official Notice of Suspension that the Registration Plate “was issued to [Defendant’s Vehicle] without payment of the required fees.”

ANSWER:

6. Describe all facts and Identify all Documents, including Communications, supporting, refuting, or relating to Plaintiff’s assertion in the Official Notice of Suspension that “[Defendant] is not a government[al] or quasi-government[al] entity (i.e. political subdivision or municipal authority).”

ANSWER:

7. Describe all facts and Identify all Documents, including Communications, supporting, refuting, or relating to Plaintiff’s assertion in the Official Notice of Suspension that “[Defendant] is not eligible for the exemption information that was claimed.”

ANSWER:

8. State whether Plaintiff considers an entity that Revenue has determined to be a political subdivision of the Commonwealth for tax purposes to be included within the meaning of the term(s) “governmental entity” and/or “quasi-governmental entity,” as the terms are defined or used in the Vehicle Code, and Identify each and every fact on which Your answer relies.

ANSWER:

9. Describe all facts and Identify all Documents, including Communications, supporting, refuting, or relating to Plaintiff’s assertion in the Official Notice of Suspension that “[Defendant] is not eligible for the [Registration Plate or for] Municipal Government (MG) plate[s].”

ANSWER:

10. Describe all facts and Identify all Documents, including Communications, supporting, refuting, or relating to Plaintiff’s assertion that Defendant misstated, misrepresented, or falsely provided any information in its application for the Registration Plate.

ANSWER:

11. Describe all facts and Identify all Documents, including Communications, supporting, refuting, or relating to Plaintiff’s assertion in the Official Notice of Recall that Defendant is not the actual or *bona fide* owner of Defendant’s Vehicle.

ANSWER:

12. Describe all facts and Identify all Documents, including Communications, supporting, refuting, or relating to Plaintiff’s assertion that Defendant misstated, misrepresented, or falsely provided any information in its application for the Certificate of Title.

ANSWER:

13. Describe all facts and Identify all Documents, including Communications, supporting, refuting, or relating to Plaintiff’s assertion that the “certificate of title [for Defendant’s Vehicle] has been issued in error to a [P]erson not entitled to the certificate or contains incorrect information or information has been omitted from the certificate.”

ANSWER:

14. Describe all facts and Identify all Documents, including Communications, supporting, refuting, or relating to Plaintiff’s assertion in the Motion for Reconsideration that “the action taken by the [Plaintiff] is in fact a revocation of the registration plate MG3590N.”

ANSWER:

15. Describe all facts and Identify all Documents, including Communications, supporting, refuting, or relating to Plaintiff’s assertion in the Motion for Reconsideration that “the only avenue for relief for an improper grant of a registration plate is an indefinite revocation given that the Registrant was issued a government municipal plate only upon his misrepresentation, to the Department, that he is a ‘political subdivision’ of the Commonwealth.”

ANSWER:

16. Identify each Person Plaintiff has interviewed and/or communicated with in connection with the above-captioned case.

ANSWER:

17. With respect to each Person identified in the preceding Interrogatory, Identify each Person participating in or present at each such interview and/or Communication, and describe the content or substance of each such interview or Communication.

ANSWER:

18. What is the name, business address, residence address, title, specialty, and pertinent education and/or experience and related expertise, of each Person who has been retained as an expert on any issue herein on Your behalf?

ANSWER:

19. For each Person Identified in answer to the preceding Interrogatory, above, please:
- a. state the subject matter upon which such expert witness has been retained;
 - b. state the substance of the facts to be submitted to each such expert witness;
 - c. state the substance of the opinion(s) that each such expert witness is expected to consider;
 - d. summarize the grounds for each opinion so considered;
 - e. Identify the source of each fact upon which each such expert witness is expected to rely;
 - f. Identify all Documents given, shown or made available to the expert witness;
 - g. Identify all Documents given, shown or made available to the expert witness; and
 - h. Identify all Documents created by the expert witness in connection with or reference to the present action.

ANSWER:

20. If any Document requested in the First Request for Production of Documents Directed to Plaintiff was, but is no longer, in the possession or subject to the control of Plaintiff, or is no longer in existence, state whether the Document:

- a. is missing or lost;
- b. has been destroyed;
- c. has been transferred, voluntarily or involuntarily, to others and state the identities of those persons to whom it has been transferred;
- d. has been otherwise disposed of, and in each instance, explain the circumstances surrounding such disposition, state the date or approximate date thereof, and the identity of persons with knowledge of such circumstances; or
- e. Identify the Documents that are missing, lost, destroyed, transferred, or otherwise disposed of, by author, date, subject matter, addressee and the number of pages.

ANSWER:

21. As to any Person not otherwise Identified herein, give the names, addresses, telephone numbers, occupations, job designations, and present location of all Persons known to You or Your agents or attorneys who have any information or knowledge relating to the subject matter of this action.

ANSWER:

22. Identify each custodian or other Person responsible for collecting, maintaining and preserving Plaintiff's Electronically Stored Information, including any Documents Identified in

response to these Interrogatories and/or produced in response to *Defendant's First Request for Production of Documents Directed to Plaintiff*.

ANSWER:

LEONARD, PLLC

/s/ Roy E. Leonard

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*Counsel for Defendant, Pennsylvania State
Constabulary*

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served on counsel of record listed below by Electronic Mail and/or ordinary U.S. Mail, First Class service, postage prepaid, on this 29th day of May 2024.

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*Counsel for Plaintiff
Commonwealth of Pennsylvania, Department of Transportation*

/s/ Roy E. Leonard
Roy E. Leonard, Esquire

*Counsel for Defendant
Pennsylvania State Constabulary*

**IN THE COURT OF COMMON PLEAS
OF ALLEGHENY COUNTY, PENNSYLVANIA**

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,

Plaintiff,

v.

PENNSYLVANIA STATE
CONSTABULARY,

Defendant.

SUMMARY APPEALS BRANCH

Case No. SA-23-552

**DEFENDANT'S FIRST REQUEST FOR
THE PRODUCTION OF DOCUMENTS
DIRECTED TO PLAINTIFF**

On behalf of Defendant:

**PENNSYLVANIA STATE
CONSTABULARY**

Counsel of Record for this Party:

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**IN THE COURT OF COMMON PLEAS
OF ALLEGHENY COUNTY, PENNSYLVANIA**

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,

SUMMARY APPEALS BRANCH

Case No. SA-23-552

Plaintiff,

v.

PENNSYLVANIA STATE
CONSTABULARY,

Defendant.

**DEFENDANT'S FIRST REQUEST
FOR THE PRODUCTION OF DOCUMENTS DIRECTED TO PLAINTIFF**

On behalf of Defendant Pennsylvania State Constabulary, request is hereby made of Plaintiff, Commonwealth of Pennsylvania, Department of Transportation, pursuant to Rule 4009.11 of the Pennsylvania Rules of Civil Procedure, to produce for inspection and/or photocopying the following designated Documents, Electronically Stored Information, and things.

The production of said Documents shall take place at the offices of Leonard, PLLC, 105 Market Street, Suite 300, Pittsburgh, Pennsylvania 15222, on Monday, July 1, 2024, at 9:30 a.m., or at such other time and place as may be agreed to among the parties and their respective counsel or as ordered by the court in this action. Unless otherwise agreed or ordered, July 1, 2024, is designated as the date by which Plaintiff shall serve its written response hereto.

INSTRUCTIONS

1. Unless otherwise specified, Electronic Media Devices and Electronically Stored Information shall be produced in native form with all metadata retained. Forensically duplicated Electronic Media Devices and copies of Electronically Stored Information are acceptable as long

as the duplicates and copies are true mirror images and preserve all information and metadata contained on the original electronic devices and in the native Electronically Stored Information.

2. If a Document exists in both paper and electronic form, the Document is to be produced as Electronically Stored Information, as defined herein, in native or original form with all information and metadata originally contained therein intact.

3. Unless otherwise specified, the relevant time period is from **January 1, 2022 to the present.**

4. The singular of any word used herein shall include the plural of such word, and the plural shall include the singular. The use of a masculine, feminine or neuter pronoun shall be understood to include all other genders. The words “and” and “or” shall be conjunctive and disjunctive. The terms “related,” “relating,” “regarding,” or “concerning” shall mean referred to, alluded to, related to, connected with, commencing on, in respect of, about, including, discussing, evidencing, constituting, showing, describing, in support of, in substitution of, reflecting, and analyzing.

5. If there is an objection to the production of any Document or part thereof under the claim of privilege or work product, provide a list Identifying each such Document in a manner sufficient to enable the Court to rule on the claim of privilege or work product including but not limited to:

- a. the date of the Document;
- b. sender(s) or preparer(s);
- c. addressee(s);
- d. the Person(s) to whom the Document was shown or to whom copies were furnished;
- e. the subject matter of the Document;

- f. the Person in whose custody the Document is currently located;
 - g. the basis on which the privilege or work product is claimed; and
 - h. the paragraph(s) of this Request to which the Document relates.
6. If any Document requested to be produced was, but is no longer, in Your possession or control or is no longer in existence, state whether it:
- a. is missing or lost;
 - b. has been destroyed;
 - c. has been transferred, voluntarily or involuntarily, to others and if so, state the identities of those Persons to whom it has been transferred;
 - d. has been otherwise disposed of and in each instance, explain the circumstances surrounding such disposition, and state the date or approximate date thereof, and the identity of Persons with knowledge of such circumstances; or
 - e. Identify the Documents that are missing, lost, destroyed, transferred, or otherwise disposed of, by author, date, subject matter, addressee and the number of pages.
7. If some or all of a Document is redacted, Identify each Document that contains a redaction and provide the reason(s) for the redaction.
8. All Documents, Electronically Stored Information and things shall be produced as they are kept in the usual course of business or shall be organized and labeled to correspond with the categories in the request.
9. Any Document that is attached by staple, clip or otherwise to a Document requested herein shall also be produced (attached in the same manner as the original) regardless of whether the production of that Document is otherwise requested herein.

10. If necessary, You shall translate any responsive data into a reasonably usable form.
See Pa. R.C.P. 4009.1.

DEFINITIONS

1. “**Bethel Park**” shall mean Bethel Park Borough, Allegheny County, including its present or former police officers, employees, agents, representatives, counsel, and all other Persons acting or purporting to act under its control or on its behalf.

2. “**Castle Shannon**” shall mean Castle Shannon Borough, Allegheny County, including its present or former police officers, employees, agents, representatives, counsel, and all other Persons acting or purporting to act under its control or on its behalf.

3. “**CETB**” shall mean the Constables’ Education and Training Board of PCCD, including its present or former employees, agents, representatives, counsel, and all other Persons acting or purporting to act under its control or on its behalf.

4. “**Certificate of Title**” shall mean the certificate of title issued for Defendant’s Vehicle having Pennsylvania title number 78865259.

5. “**Constable Knapp**” shall mean Constable Jason C. Knapp (a/k/a Jason Christopher Knapp), who is the duly elected constable in and for the Second Ward of the City of Pittsburgh, Allegheny County, his agents, representatives, counsel, and all other Persons acting or purporting to act under his control or on his behalf.

6. “**Communication(s)**” shall mean any and all of the following: Documents and information, whether electronic, written or otherwise, including correspondence, email, instant messaging, paging, wikis, blogs, chat room content or text messaging, audio and/or video, conversation(s) by telephone, meetings, any utterance, notation, statement or contact, oral or

written, formal or informal, at any time or place, and under any circumstances whatsoever in which any information of any nature was transmitted or exchanged.

7. “**Defendant**” shall mean the defendant in the above-captioned case.

8. “**Defendant’s Vehicle**” shall mean that certain 2018 Ford Police Interceptor having Vehicle Identification Number (VIN) 1FM5K8AR4JGB33960.

9. “**Document(s)**” shall mean each and every document, including Electronically Stored Information, in Your possession, custody or control, however and by whomever prepared, produced, reproduced, generated, disseminated, or made, in any form, electronic or otherwise, wherever located, including all originals, and any non-identical copies (whether different from originals because of notes made on such copies or otherwise), drafts, and if writing appears on the reverse side, the reverse side of each Document including, but not limited to the following: correspondence, email, memoranda; notes; comments; reports; worksheets; plans; minutes; inter- and intra-office memoranda; notes, summaries, statements, and/or transcripts of conferences, discussions, meetings, interviews, visits, surveys, inspections, examinations, reviews or telephone conversations; diaries, desk calendars, appointment books and telephone logs; tabulations, calculations, computations or statistics; drawings, designs, plans, specifications, diagrams or charts; forecasts and projections; purchase orders; quotations; estimates; bids; proposals; invoices; receipts; acknowledgments; bills of lading; contracts, agreements, licenses, leases or options; checks, check stubs, drafts, or debit and credit memoranda; books and records, including but not limited to, journals, ledgers, balance sheets, profit and loss statements, together with all adjustments, notes and memoranda; financial data; income tax returns, forms, schedules and worksheets; prospectuses; stock certificates and evidence of stock ownership; bulletins, brochures, circulars, advertisements or sales literature; newspaper or magazine articles, pamphlets, books,

texts, manuals, magazines, or publications; findings; governmental reports, regulations, filings or orders; pronounced or stored information from users or other information retrievable systems, including but not limited to, computer software, sound recordings, microfilm, microfiche, and any other written, printed, typed, taped, records or graphic matter. Any Document that contains any notation, marking, comment, addition or insertion of any kind that is not a part of other copies of the Document is to be considered a separate Document and must be additionally produced.

10. **“Electronically Stored Information”** or **“ESI”** shall mean any type of information or record stored electronically, including “metadata” (metadata includes all of the contextual, processing, and use information needed to Identify and certify the scope, authenticity, and integrity of active or archival electronic information or records; for example, file designation, create and edit dates, authorship, comments, edit history, hidden text, formatting codes, and formulae), regardless of the electronic medium on which it is stored.

11. **“Electronic Media Device(s)”** shall mean any type of portable or removable electronic media which stores ESI including, but not limited to, desktop computers and workstations, laptops, Personal and/or home computers, servers, Personal digital assistants, tablets (such as iPads), mobile telephones, external hard drives, tapes, cartridges, optical disks and flash or USB drives.

12. **“Identify”** when used to refer to:

- (a) a Document, shall mean to state the following: (i) the date of the Document or if specific date is unknown, the month and year or other best approximation of such date; (ii) the type of Document (e.g. letter, memorandum, telegraph, chart); (iii) the author(s) or originator(s) of the Document; (iv) each addressee and the Person to whom copies were

sent; (v) the subject matter of each such Document and the number of pages; (vi) the identity of the custodian in the last-known location of the Document.

(b) a natural Person, shall mean to state: (i) the Person's full name and present or last-known resident and business address and telephone numbers; (ii) the Person's present or last-known occupation, title, employer or business affiliations; (iii) if such Person has ever been employed by You or owned or participated in any way in Your business or activities, so indicate and state the nature and time period of such employment, ownership or participation.

(c) an entity other than a natural Person, shall mean to state its full name, present or last-known address of its principal office or place of doing business and the type of entity (e.g. government agency, corporation).

13. **“Motion for Reconsideration”** shall mean Plaintiff's Motion for Reconsideration filed on May 17, 2024 in the above-captioned case.

14. **“Motion to Enforce”** shall mean Defendant's Motion to Enforce the Automatic Supersedeas and for Sanctions filed on April 15, 2024 in the above-captioned case.

15. **“Official Notice of Recall”** shall mean that certain letter dated September 11, 2023 issued by Plaintiff to Defendant, wherein Plaintiff recalled the Certificate of Title.

16. **“Official Notice of Suspension”** shall mean that certain letter dated September 11, 2023 issued by Plaintiff to Defendant, wherein Plaintiff suspended the Registration Plate.

17. **“Order of Court”** shall mean the order granting the Motion to Enforce entered on May 9, 2024 in the above-captioned case.

18. “**PCCD**” shall mean the Pennsylvania Commission on Crime and Delinquency, including its present or former employees, agents, representatives, counsel, and all other Persons acting or purporting to act under its control or on its behalf.

19. “**Person**” shall mean natural persons, proprietorships, corporations, public corporations, municipal corporations, the federal government, state governments, local governments, other governmental agencies, political subdivisions, partnerships, joint ventures, groups, trusts, associations, organizations, or any other entity. Whenever a reference herein is made to any person, firm, corporation, partnership, association, or other entity, such reference shall also mean any of such Person’s present or former employees, agents, officers, directors, or shareholders, or any of its present or former subsidiaries, parent corporation or predecessor or affiliate corporations, partnerships, trusts, associations or any other entities in which such Person has or has had an interest, and any Person, firm, partnership, corporation, independent contractor, broker or other entity acting on its behalf, and it shall also mean the Person referred to acting jointly with any of the Persons referred to in this paragraph.

20. “**Petition for Appeal**” shall mean the Petition for Appeal from Order of Secretary of Transportation Suspending Registration Plate Number filed on October 6, 2023 in the above-captioned case.

21. “**Plaintiff**,” “**You**” or “**Your**” shall mean Plaintiff, Commonwealth of Pennsylvania, Department of Transportation, including its present or former employees, agents, representatives, counsel, and all other Persons acting or purporting to act under its control or on its behalf.

22. **“PSP”** shall mean the Pennsylvania State Police, including its present or former troopers, employees, agents, representatives, counsel, and all other Persons acting or purporting to act under its control or on its behalf.

23. **“Registration Plate”** shall mean Pennsylvania registration plate number MG3590N issued to Defendant’s Vehicle on August 11, 2022. The term “Registration Plate” shall include the terms “vehicle registration” and “registration card”.

24. **“Response in Opposition”** shall mean the Defendant’s Response in Opposition to Motion for Reconsideration and Request for Sanctions Against Plaintiff filed on May 28, 2024 in the above-captioned case.

25. **“Revenue”** shall mean the Pennsylvania Department of Revenue, including its present or former employees, agents, representatives, counsel, and all other Persons acting or purporting to act under its control or on its behalf.

26. **“Trooper Gordon”** shall mean Trooper Timothy R. Gordon, Jr. of PSP, who is or was stationed at Moon Township, Allegheny County barracks (Troop B) and assigned to the Vehicle Fraud Unit.

DOCUMENTS TO BE PRODUCED

Plaintiff shall produce the following:

1. All Documents, including Communications, Plaintiff Identified, described, and/or relied upon in answering Defendant's First Set of Interrogatories Directed to Plaintiff.

RESPONSE:

2. All Communications regarding Defendant and/or Constable Knapp between and/or among Plaintiff including, but not limited to, Joshua Kline, Brent Lawson, Angel Layton, Laurie Snow, Stephen J. Madrak, Meron Eshete Murphy, Amanda Knapp, and/or Katie Wilkins.

RESPONSE:

3. All Communications regarding Defendant and/or Constable Knapp between and/or involving Plaintiff and PSP including, but not limited to, Trooper Gordon, Trooper Timothy A. Schwartz, Trooper Donald J. Foley, Rosalie Heisey, Stevan K. Portman, Vehicle Fraud Unit supervisors, Troop B supervisors, and/or state police academy instructors.

RESPONSE:

4. All Communications regarding Defendant and/or Constable Knapp between and/or involving Plaintiff and Revenue including, but not limited to, David Becher, Elizabeth A. Greider, Charity Nolt (a/k/a Charity Daniels), Crystal Dinkins, Stacy Best, Jane McCurdy, Joshua Hulstine, Suzanne Tarlini, and/or Sharon Rogers.

RESPONSE:

5. All Communications regarding Defendant and/or Constable Knapp between and/or involving Plaintiff and CETB and/or PCCD.

RESPONSE:

6. All Communications regarding Defendant and/or Constable Knapp between and/or involving Plaintiff and Castle Shannon including, but not limited to, Lieutenant David Lane, Officer Daniel Janeda, Dennis Biondo, Michael Foote, and/or Ken Truver.

RESPONSE:

7. All Communications regarding Defendant and/or Constable Knapp between and/or involving Plaintiff and Bethel Park including, but not limited to, Officer Keith Jones and Officer Jorge Zarate.

RESPONSE:

8. All Documents, including Communications between and/or involving Plaintiff and any Person(s), supporting, refuting, or relating to Defendant's tax status, classification, and/or treatment as a political subdivision of the Commonwealth, Institution of Purely Public Charity, or otherwise, including, but not limited to, Defendant's Application for Sales Tax Exemption dated

March 22, 2022, Sales Tax Exemption letter dated April 25, 2022, and/or Sales Tax Exemption Status Correction letter dated February 23, 2024.

RESPONSE:

9. All Documents, including Communications between and/or involving Plaintiff and any Person(s), relating to the matters raised in the Petition for Appeal, Motion to Enforce, Motion for Reconsideration, and/or Response in Opposition.

RESPONSE:

10. All Documents Plaintiff intends to offer as an exhibit at any hearing or trial in this case.

RESPONSE:

LEONARD, PLLC

/s/ Roy E. Leonard

Roy E. Leonard, Esquire

PA I.D. No. 54782

rleonard@leonardfirm.com

105 Market Street, Suite 300

Pittsburgh, PA 15222

Telephone: 412.448.2868

MEYER, UNKOVIC & SCOTT LLP

/s/ Justin D. Beck

Justin D. Beck, Esquire

PA I.D. No. 324787

Henry W. Oliver Building

535 Smithfield Street, Suite 1300

Pittsburgh, PA 15222-2315

(412) 456-2800

Counsel for the Pennsylvania State
Constabulary

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served on counsel of record listed below by Electronic Mail and/or ordinary U.S. Mail, First Class service, postage prepaid, on this 29th day of May 2024.

Meron Eshete Murphy, Esquire
Pennsylvania Department of Transportation
Office of Chief Counsel
301 Fifth Avenue, Suite 210
Pittsburgh, PA 15222
E-mail: meshetemur@pa.gov

*Counsel for Plaintiff
Commonwealth of Pennsylvania, Department of Transportation*

/s/ Roy E. Leonard
Roy E. Leonard, Esquire

*Counsel for Defendant
Pennsylvania State Constabulary*

EXHIBIT B

June 21, 2024

VIA EMAIL

Meron Eshete Murphy
PENNSYLVANIA DEPARTMENT OF TRANSPORTATION
Office of Chief Counsel, Western Region
301 5th Avenue, Suite 210
Pittsburgh, PA 15222-1210
meshetemur@pa.gov

RE: Department of Transportation v. Pennsylvania State Constabulary
Case No. SA-23-552

Dear Ms. Murphy:

As you know, I represent the Pennsylvania State Constabulary (the “Constabulary”) in the above-referenced action. On May 29, 2024, the Constabulary served the Commonwealth of Pennsylvania, Department of Transportation (“PennDOT”) with a First Set of Interrogatories and Request for Production of Documents (collectively, the “Discovery Requests”). PennDOT has since taken the position, as evidenced by your statement at the last hearing before Judge Satler, that the Constabulary is not entitled to conduct discovery in these proceedings. We disagree.

The Constabulary’s action against PennDOT is a statutory appeal. Neither the Pennsylvania Rules of Civil Procedure nor the Rules of Criminal Procedure specifically apply to this type of proceeding. *See Appeal of the Borough of Churchill*, 575 A.2d 550 (Pa. 1990). Moreover, Allegheny County has never adopted local procedural rules directly applicable to statutory appeals. In the absence of any such rules, the practice “is left to the discretion of the trial court, which always has the right to regulate the practice and procedure before it.” *Id.* at 553. A trial court deciding a statutory appeal also has the inherent authority “to take reasonable measures to ensure that a record sufficient for judicial review exists.” *Bowling v. OOR*, 990 A.2d 813, 822 (Pa. Cmwlth. 2010).

Much of the information and documentation relevant to the disputed issues in this case are within PennDOT’s sole custody and control. The Constabulary must obtain these facts and documents to fully defend itself in this case, and we are confident that the Court will agree. Accordingly, please advise by the close of business today whether PennDOT will timely respond to the Constabulary’s Discovery Requests. If you should have any contrary authority to that cited above, please provide citations to the same. Absent an agreement between the parties on these issues by the close of business today, we will file a motion with the Court to be heard next Thursday to secure the Constabulary’s right to discovery.

Meron Eshete Murphy, Esquire
June 21, 2024
Page 2

Very truly yours,

/s/ Roy E. Leonard

Roy E. Leonard

REL/

cc: Justin D. Beck, Esquire (*via email*)

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the **MOTION TO ORDER DISCOVERY** has been served upon the following by e-mail on this 21st day of June, 2024, addressed as follows:

Meron Eshete Murphy, Esquire
Pennsylvania Department of Transportation
Office of Chief Counsel
301 Fifth Avenue, Suite 210
Pittsburgh, PA 15222
meshetemur@pa.gov
Counsel for Plaintiff

/s/ Justin D. Beck _____

Justin D. Beck

*ATTORNEYS FOR DEFENDANT,
PENNSYLVANIA STATE CONSTABULARY*

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

COMMONWEALTH OF)	CIVIL DIVISION
PENNSYLVANIA,)	
)	
Plaintiff,)	No. SA-23-000552
)	
v.)	
)	
PENNSYLVANIA STATE)	
CONSTABULARY,)	
)	
Defendant.)	

ORDER

AND NOW, this ____ day of _____, 2024, Defendant’s Motion to Order Discovery is hereby GRANTED.

It is ORDERED that Plaintiff shall fully and completely respond to Defendant’s First Set of Interrogatories and Requests for Production of Documents on or before July 1, 2024.

IT IS FURTHER ORDERED that Defendant shall be entitled to conduct third-party discovery consistent with the Pennsylvania Rules of Civil Procedure.

BY THE COURT:

_____, J.