

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

COMMONWEALTH OF
PENNSYLVANIA/DEPARTMENT
OF TRANSPORTATION,

CIVIL DIVISION
SA 23-552

vs.

HEARING TRANSCRIPT

PENNSYLVANIA STATE
CONSTABULARY,

FILED BY:
Rachelle M. Robinson-Ware, RMR
Official Court Reporter

Defendant.

DATE:
May 30, 2024

BEFORE:
Hon, Jennifer Satler

COUNSEL OF RECORD:

For the State:
Meron Murphy, Esq.

For the Defendant:
Roy Leonard, Esq.

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1 P-R-O-C-E-E-D-I-N-G-S

2 THE CLERK: Pennsylvania State Constabulary,
3 SA-23-552. Motion for reconsideration by the
4 Commonwealth. Here is your previous order of court.

5 THE COURT: Okay. Thank you. All right. Good
6 morning. Will Counsel enter their appearances for the
7 record, please?

8 MS. MURPHY: Yes, Your Honor. Attorney Meron
9 Murphy on behalf of PennDOT.

10 MR. LEONARD: Roy Leonard, Your Honor, on behalf
11 of the Pennsylvania State Constabulary.

12 THE COURT: Good morning to you both. Ms. Murphy,
13 this is your motion.

14 MS. MURPHY: This is a motion to reconsider the
15 Court's May 9 order so the Court can evaluate the
16 Process Gas decision.

17 So, at the last hearing, Your Honor -- and I don't
18 know if you remember, but this is the PA constabulary
19 case where Castle Shannon --

20 THE COURT: Made 9th, right?

21 MS. MURPHY: Yes, where Castle Shannon took the
22 municipal plate from the petitioner, and the Court
23 ordered PSP or Castle Shannon Bureau to return the
24 plate, so the Department's position is that this is a
25 revocation, Your Honor, and not a suspension;

1 therefore, the Process Gas analysis is what should be
2 considered.

3 At the last hearing, the petitioner argued that
4 the merits of the case are irrelevant, Your Honor.
5 It's the Department's position that the merits of the
6 case is relevant because success on the actual case is
7 a factor on the Process Gas analysis if you -- and I
8 think I have a copy of the case, too. Do you want a
9 copy, Your Honor?

10 THE COURT: Okay, thank you.

11 MS. MURPHY: Here it is, Your Honor.

12 THE COURT: Okay.

13 MS. MURPHY: So, that case lists the several
14 factors in granting the supersedeas or not grant the
15 supersedeas. One of the factors is success on the
16 merits; but, in this case, the case law is on the
17 Commonwealth's side, Your Honor.

18 There is common law that I alluded to in my motion
19 that states that constables are not allowed municipal
20 plates, and that allowing them municipal plates is a
21 public safety concern, Your Honor. And because of
22 that, we are requesting that you reconsider your May 9
23 order.

24 Essentially, Your Honor, this is an improper grant
25 of a municipal plate upon a misrepresentation by the

1 petitioner. So, but for that misrepresentation, the
2 department would have never granted the municipal
3 plate. That is PennDOT's position; and, as such,
4 because of this material misrepresentation, it is a
5 revocation, not a suspension; and, therefore, it's it a
6 Process Gas analysis. That's the term used in the
7 supersedeas.

8 Also, Your Honor granted, I believe at the last
9 hearing, a short continuance so that the merits of the
10 case can be cited sooner rather than later.

11 At the conclusion of that hearing, the
12 petitioner -- the petitioner requested, I guess, a July
13 date. I think this is on for July 11th, so it's
14 PennDOT's submission that July 11th is not a short
15 continuance, Your Honor, so we would ask, due to the
16 grave safety concern in this case, that the case be
17 advanced and/or the case to be decided on the merits --
18 on the brief alone.

19 THE COURT: Okay, thank you.

20 Mr. Leonard.

21 MR. LEONARD: Yes, Your Honor. Thank you. Let me
22 see if I can take these issues in reverse order.
23 First, with respect to the request for continuance, we
24 would reject any suggestion that the hearing in this
25 case was scheduled for July 11th should be accelerated

1 any sooner. We received discovery just yesterday. We
2 served document requests and interrogatories on the
3 state, and we will also be serving third party
4 subpoenas to obtain additional information with respect
5 to the issues that have come up and obtaining facts
6 relevant to the issues in this case.

7 The case that Ms. Murphy provided you, the
8 Pennsylvania Public Utility Commission vs. Process Gas
9 Consumers Group, which she's arguing for the
10 proposition that supersedeas should not have been
11 applied in this case, but that case that she provided
12 to you is distinctively different.

13 And in that Pennsylvania case, the stay that was
14 at issue in that case was based on the application to
15 the PUC. It had nothing to do with an appeal from a
16 summary appeal, which is an automatic supersedeas, as
17 you know, Your Honor, in which you ruled upon back on
18 May 9th.

19 So, with respect to the effect of the -- the
20 automatic supersedeas, nothing has changed in that
21 regard, and the case law that was given to Your Honor
22 doesn't change that.

23 With respect to the alleged misrepresentations
24 that the defendant made and that those allegations were
25 also false, this is what the hearing is all about, you

1 know, whether or not the Pennsylvania State
2 Constabulary is a political subdivision for the purpose
3 of maintaining and being like a register to obtain
4 municipal government plates.

5 In the State's motion, all they talk about is an
6 individual constable. We are not arguing for an
7 individual constable. We are arguing on behalf of the
8 Pennsylvania State Constabulary, which is a nonprofit
9 corporation, not an individual, and we believe the
10 evidence is going to prove that the Department
11 of -- the Pennsylvania Department of Revenue has made a
12 finding that, in fact, Pennsylvania State Constabulary
13 was a political subdivision, and thereby allow it to
14 obtain municipal government plates that have been
15 seized and returned to the state.

16 Let me talk about that for a moment. We filed our
17 first motion to enforce the supersedeas, I believe, on
18 April 9th. The -- or April 12th. I have been in
19 communication with the Castle Shannon Solicitor who
20 confirmed that Castle Shannon had the plates it
21 received from the vehicle. And on April 7th, those
22 plates were returned to the State along with the
23 form -- there's apparently some form that you submit
24 along with the return of a plate that they were no
25 longer in possession of the plate.

1 As you may recall, Your Honor, I was not at the
2 last hearing, Mr. Beck was; your order was changed
3 based on the representation by the State that they
4 didn't have possession of the plates, that Castle
5 Shannon or the Pennsylvania State Police did. Well, it
6 turns out that's not true.

7 THE COURT: They did have them?

8 MR. LEONARD: They did have them. It's still not
9 clear, from their motion for reconsideration, whether
10 the plates are destroyed, whether they're still in
11 possession of them; but, in any event --

12 THE COURT: I think she said the plate was
13 destroyed. I read this.

14 MS. MURPHY: It was destroyed, yes.

15 MR. LEONARD: I think there's a hedging going on
16 in their motion. I can find it if Your Honor requests
17 it, but they shouldn't have been destroyed. They were
18 aware of the supersedeas. We don't have any idea of
19 when they were destroyed. We know they were returned
20 on April 7th. We don't know when they were received.
21 That's part of what our discovery is all about, but the
22 defendant should not have to reapply for -- to obtain
23 municipal government plates that should never have been
24 taken and destroyed to begin with.

25 So, as part of what we're requesting, Your Honor,

1 is to supplement the order that you already entered, is
2 to have the State reissue those plates and provide them
3 immediately to the Pennsylvania State Constabulary so
4 they can go about their business because they're still
5 prevented from doing so, and the damages continue to
6 add up, right?

7 And I know that your last order, we are going to
8 have a hearing about the damage that occurred, but
9 certainly if the State wants to mitigate their damages,
10 they should consent to having these plates reissued and
11 provide them back to the defendant.

12 THE COURT: Okay. All right. Thank you both.

13 Yes.

14 MS. MURPHY: If I may just briefly, Your Honor, as
15 far as discovery, there is no discovery in statutory
16 appeals, and there's case law regarding that. The only
17 discovery we would have is certified documents. That's
18 it. This is a pretty straight forward case. PennDOT
19 did not know that Castle Shannon sent the plate to
20 PennDOT. So, at the time of the last hearing, PennDOT
21 was not aware that we were in possession, allegedly, of
22 the plate.

23 THE COURT: I accept that representation. I
24 believe, a hundred percent, everything you're telling
25 me, Ms. Murphy, but I don't understand why PennDOT has

1 to ask castle Shannon, Where is the plate, and then
2 Castle Shannon has to tell PennDOT, We gave it to you.
3 Like --

4 MS. MURPHY: That's because they're the ones that
5 took it. They seized it. We did not.

6 THE COURT: They gave it -- if they -- they have
7 to tell PennDOT, We gave you this plate. PennDOT
8 doesn't know that they were given it. It seems to
9 me -- I don't know.

10 MS. MURPHY: PennDOT was not aware, the
11 bureaucracy.

12 THE COURT: They're not aware, I think, of a lot
13 of these things. I'm just saying I think they should
14 know if the plates were returned to them. They don't
15 have to ask Castle Shannon if they were returned to
16 them.

17 MR. LEONARD: I have an email from the Solicitor
18 of Castle Shannon. It's an e-mail where he says the
19 registration plate was mailed to PennDOT on April 7,
20 2024 to the following address, along with PennDOT Form
21 DL-64 -- it's PennDOT Bureau of Motor Vehicles, P.O.
22 Box 68597, Harrisburg, Pennsylvania, 17106.

23 So, that's where they were mailed to on April 7th,
24 so, the State had the plates for a month before the
25 hearing. So, how is it that the State didn't know?

1 Either they -- maybe they should have known.

2 THE COURT: They absolutely should have known, but
3 I totally believe you had no idea.

4 It's just that there's a problem that PennDOT
5 never seems to know what PennDOT is -- in any event, I
6 would like to read your case, Ms. Murphy. Let me take
7 it under advisement and get it back to you soon, but I
8 know that time is of the essence, of course; we have
9 the hearing date coming, so I will certainly get you an
10 answer next week.

11 MS. MURPHY: Are we able to move the hearing date
12 up?

13 THE COURT: Let me read this, think on that issue,
14 and get back to you on all of it, but I will certainly
15 have an answer for you next week because I know you
16 want to know either what's happening or if the hearing
17 date is changed.

18 Thank you. Take care.

19 MS. MURPHY: Thank you.

20 MR. LEONARD: Thank you.

21 (Thereupon, the hearing concluded.)

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C-E-R-T-I-F-I-C-A-T-E

I hereby certify that the proceedings are contained fully and accurately in the notes taken by me on the hearing of the herein cause and that this is a true and correct transcript of the same.

/s/Rachelle M. Robinson-Ware
RACHELLE M. ROBINSON-WARE, RMR
Official Court Reporter

The foregoing record of the proceedings upon the hearing of the herein cause is hereby approved and directed to be filed.
