

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY,  
PENNSYLVANIA

COMMONWEALTH OF  
PENNSYLVANIA,  
  
Plaintiff,  
  
vs

PENNSYLVANIA STATE  
CONSTABULARY,  
  
Defendant.

CIVIL DIVISION  
  
NO. SA-23-000552  
  
SUMMARY APPEAL HEARING  
TRANSCRIPT

FILED BY:  
Janice DiMatteo Fedorek  
Official Court Reporter

DATE:  
June 27, 2024

BEFORE:  
HON. JENNIFER SATLER

COUNSEL OF RECORD:

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

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3 THE MINUTE CLERK: SA 23-552,  
4 Pennsylvania State Constabulary. This is  
5 a Motion to Order Discovery.

6 Attorney Leonard.

7 THE COURT: Hello, Mr. Leonard.

8 ATTORNEY LEONARD: Good morning, Your  
9 Honor.

10 THE COURT: Good morning.

11 Mr. Becker, this is his motion.

12 ATTORNEY BECKER: Yes.

13 THE COURT: What would you like to  
14 tell me, Mr. Leonard?

15 ATTORNEY LEONARD: Your Honor, I  
16 represent, as you know, Defendant  
17 Pennsylvania State Constabulary, on this  
18 Statutory Appeal, with respect to the  
19 suspension of his Municipal Government  
20 plates.

21 We are looking to conduct discovery.  
22 We served PennDOT with Interrogatories and  
23 Document Requests.

24 At the last hearing before Your Honor,  
25 Miss Murphy made a comment that we are not

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entitled to discovery in the Statutory Appeal, and we don't agree with that.

We do know, as cited in our Motion, Your Honor, the Court has discretion to make its own rules in these Statutory Appeals. The hearing is like a trial and we are entitled to conduct discovery with respect to getting our facts that we can introduce into evidence about the granting of the Municipal Government plates to Defendant and the suspension -- or as PennDOT calls it, a revocation of those plates.

We didn't want time to go by, Your Honor, and find out after the discovery response and review on July 1st that they are not going to respond.

We wanted to get this in front of the Court to have the Court issue an order that we are entitled to conduct discovery from PennDOT and third-party discovery subpoenas.

THE COURT: Mr. Becker?

ATTORNEY BECKER: John Becker on behalf of the Department of

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Transportation, Your Honor.

The Rules of Civil Procedure do not apply to Statutory Appeals and there is a reason for that. The system would be bogged down by it.

Counsel has served the Department with overly broad requests. Moving forward there will be objections that would request the Court rule on those. They would come back. They would be answered. This would go on in every Statutory Appeal. And that's why the Court does not allow discovery in Statutory Appeal cases.

In addition to that, the underlying facts of this case revolve around the seizure of a license plate. Constables are not entitled to have municipal plates and that's black-letter law.

But I think the reason we are here today is that the Shaler Police Department notified the State Trooper that there was a constable with municipal plates that he was not allowed to have under the law.

The State Trooper investigated and as a result of that investigation made a note

1 that he wanted the license plate taken  
2 away. He wanted to report to the  
3 Pennsylvania Department of Revenue that  
4 the vehicle purchase taxes were not paid,  
5 because he cloaked himself as a municipal  
6 authority, and he reported the incident to  
7 the Division of Crime.

8 I believe they are seeking discovery,  
9 because those are serious issues of fraud,  
10 outside of this license plate issue.

11 But discovery in this matter will not  
12 alleviate the Petitioner of the fraud that  
13 may be forthcoming having to do with it.

14 ATTORNEY LEONARD: That's not what we  
15 are looking to do, Your Honor. We are  
16 looking to get underlying facts to  
17 introduce into evidence at the hearing on  
18 this case.

19 By the way, just to be clear, the  
20 Defendant in this case is not an  
21 individual, it is the Pennsylvania State  
22 Constabulary. It is an organization.  
23 That's the key distinction.

24 The Department of Revenue found they  
25 were a political subdivision. There is

1                   allegations by PennDOT that there was a  
2                   misrepresentation by Defendant that  
3                   applied for the registration plates.

4                   We are trying to get evidence about  
5                   those very issues. One is the Department  
6                   granted the plates -- the registration  
7                   plates. The political subdivision status  
8                   was found by the Department of Revenue.  
9                   And there are all of these other side  
10                  issues with respect to the apparent  
11                  revocation of those plates, not a  
12                  suspension.

13                  If there was a suspension, they would  
14                  have been entitled to a hearing. There is  
15                  no hearing.

16                  The Pennsylvania State Constabulary  
17                  received a letter from which a Statutory  
18                  Appeal under the Vehicle Code was taken.

19                  We submit, Your Honor, we are entitled  
20                  to conduct discovery in this case. We  
21                  made a full and complete record, as the  
22                  Court in the appeal of the Borough of  
23                  Churchill found. It says they are not  
24                  convinced there is much of a difference  
25                  between a hearing and a trial. Evidence

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is presented in both proceedings and questions of law are determined. That will be Your Honor.

We should not be prevented from conducting discovery and introducing evidence at trial.

THE COURT: All right. I've considered the arguments of counsel and the Motion. I have reviewed Exhibits A and B.

Additionally, I don't feel that this case is appropriate to conduct discovery. As such, I will deny the Motion dated today. Thank you.

ATTORNEY LEONARD: Thank you, Your Honor.

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(Whereupon, this matter adjourned.)

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**C E R T I F I C A T E**

I, Janice DiMatteo Fedorek, Official Court Reporter for the Court of Common Pleas of Allegheny County, Pennsylvania, do hereby certify that the foregoing is a true and correct transcript of the proceedings held before the Honorable Jennifer Satler, on June 27, 2024, in the within-entitled cause, and I do further certify that the foregoing transcript has been prepared by me.

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Janice DiMatteo Fedorek  
Official Court Reporter