

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Gerald S. Lepre, Jr.,	:	
Appellant	:	
	:	
v.	:	
	:	
West Mifflin Police Department;	:	
Brian J. Ripper; K&L Towing	:	
and Recovery; Munhall Police	:	
Department; Sgt. Tichon;	:	
Officer Ruffing; Officer Miller;	:	
John Doe 1-6; and Jane Doe 1-10,	:	
In Their Individual (Personal) or	:	No. 1613 C.D. 2025
Official Capacities	:	Submitted: July 24, 2026

OPINION NOT REPORTED

MEMORANDUM OPINION
PER CURIAM

FILED: September 21, 2026

Gerald S. Lepre, Jr., (Appellant), *pro se*, appeals from the August 19, 2025 interlocutory order of the Court of Common Pleas of Allegheny County (Trial Court), which jointly disposed of Appellant's Motions for Pre-Trial Declaratory or Injunctive Relief (Motion for Injunctive Relief) and for a Writ of Seizure as to K & L Towing and Recovery's (K & L Towing) possession of Appellant's vehicle. The Trial Court ordered release of Appellant's vehicle upon Appellant's production of proof of ownership, proof of insurance, and his driver's license. The Trial Court denied all other requests in Appellant's Motion for Injunctive Relief. Upon review, we affirm.

I. Background

In July of 2024, Appellant commenced a civil action in the Trial Court against the Borough of West Mifflin (West Mifflin),¹ Officer Brian J. Ripper (Officer Ripper), K & L Towing,² Munhall Police Department (Munhall Police), Sergeant Tichon, Officer Ruffing, Officer Miller, John Doe 1-6, and Jane Doe 1-10³ (collectively, Appellees) for allegedly ongoing tortious conduct. Certified Record (C.R.) at 4-5 & 20.⁴ During the pendency of the litigation, Appellant filed a Motion

¹ West Mifflin notes that it has been incorrectly identified as “West Mifflin Police Department” in this action. *See* C.R. at 220.

² K & L Towing is a defendant in the Trial Court action, but the record shows that Appellant failed to serve K & L Towing with a notice of appeal. *See generally* Appellant’s Proof of Service. Pursuant to Rule 906(a)(1) of the Pennsylvania Rules of Appellate Procedure, Pa.R.A.P. 906(a)(1), “the appellant shall serve copies [of the notice of appeal] . . . upon [] [a]ll parties to the matter in the trial court, including parties previously dismissed pursuant to an interlocutory order” While failure to provide notice constitutes a procedural defect, appellate courts retain discretion over appropriate actions to remediate omitted procedural steps. *See Fulano v. Fanjul Corp.* 236 A.3d 1, 10 (Pa. Super. 2020) (holding that an appellant’s failure to serve a notice of appeal does not warrant quashing the appeal but is instead “subject to such action as the appellate court deems appropriate, which may include, but is not limited to, remand of the matter to the lower court so that the omitted procedural step be taken”); *see also Lerch v. Unemployment Comp. Bd. of Rev.*, 180 A.3d 545, 550 (Pa. Cmwlth. 2018) (while not binding on this Court, decisions of the Superior Court may be cited as persuasive where they address analogous issues). However, because we do not have jurisdiction over the merits of this appeal as discussed herein, we decline to rectify the procedural omission, as it will not prejudice the parties.

³ Appellant attests that “John Doe 1-6” and “Jane Doe 1-10” appellees are “unknown at this time and will be revealed through the process of discovery.” C.R. at 289. However, we note that Appellant’s tort action is subject to a two-year statute of limitations. 42 Pa.C.S. § 5524. As such, Appellant is no longer entitled to substitute named parties for the fictitious, unserved John and Jane Does as the statute of limitations has expired. *Zercher v. Coca-Cola USA*, 651 A.2d 1133, 1135 (Pa. Super. 1994) (holding that an amendment which adds the identity of a new party should be prohibited if the statute of limitations has expired).

⁴ Certified Record references are to electronic pagination.

for Injunctive Relief, submitting that his car was allegedly illegally impounded and towed from the West Mifflin Walmart parking lot by K & L Towing “under the guise of criminal charges” which were thereafter dismissed. *Id.* at 212-13. Appellant claims that he paid \$200 in cash for the return of his vehicle but that his vehicle was never released. *Id.* at 213. Appellant was never provided with any receipt of payment by K & L Towing. *Id.* The Motion for Injunctive Relief sought a declaration of Appellant’s vehicle ownership and return of Appellant’s vehicle. *Id.* at 212 & 218. It also sought to enjoin the allegedly criminal acts of Appellees, including the “police seizure on frivolous civil or criminal charges [and] demand[] [of] astronomical sums of cash without proper billing or receipts under governmental contracts in violation of local tow ordinances and antitrust laws[.]” *Id.* at 213.

Appellant also filed a Writ of Seizure in replevin, which similarly argued that Appellant was entitled to immediate repossession of his vehicle that was “unlawfully” taken “at gun point, handcuff, [and] shackle[.]” C.R. at 277-78 (capitalization and emphasis omitted). The Trial Court held a hearing on both the Motion for Injunctive Relief and Writ of Seizure on August 18, 2025. *See* C.R. at 373. On August 19, 2025, the Trial Court issued a joint order on the Motion for Injunctive Relief and Writ of Seizure (Trial Court Order), which stated:

1. The [Appellant] shall produce a copy of the vehicle[']s registration showing he is the owner of the vehicle and proof of insurance on the vehicle. If the [Appellant] can produce this documentation to the [Trial] Court, a separate Order will be entered, releasing the vehicle to him by K & L Towing []. Prior to the release of the [v]ehicle, [Appellant] must show a copy of a valid driver’s license, or arrange for someone with a valid driver’s license [to] be available to remove the vehicle from K & L Towing’s possession.

2. The remaining requests in [Appellant's] Motion for Injunctive Relief are DENIED.

Trial Court Order (emphasis added). Appellant appealed to the Superior Court on September 4, 2025. C.R. at 368; Notice of Appeal. The matter was thereafter transferred to this Court, as it implicated our jurisdiction over tort claims involving the Commonwealth and local agencies.⁵ Superior Ct. Order, 12/8/2025.

II. Issues

Before this Court,⁶ Appellant advances two arguments. First, Appellant argues that the Trial Court failed to follow “mandatory rule procedure” when disposing of his Motion for Injunctive Relief and Writ of Seizure, and that such failure constitutes “a clear error of law, a clear manifest abuse of discretion[,] or a clear violation of constitutional rights.” Appellant’s Br. at 8. Second, Appellant maintains that conditioning his vehicle’s release upon a showing of Appellant’s proof of ownership, proof of insurance, and driver’s license is an “onerous burden” which places “unreasonable or excessive constraints” on his alleged right to possess his vehicle. *Id.* at 7.

⁵ 42 Pa.C.S. § 762(a)(1)(i) & (a)(7).

⁶ This Court reviews a trial court order refusing or granting a preliminary injunction for an abuse of discretion. *Summit Towne Ctr., Inc. v. Shoe Show of Rocky Mt., Inc.*, 828 A.2d 995, 1000 (Pa. 2003). On appeal from the grant or denial of a preliminary injunction, this Court does not examine the merits of the controversy, but only examines the record to determine if there were any “apparently reasonable grounds for the action of the court below.” *Roberts v. Bd. of Dirs. of Sch. Dist.*, 341 A.2d 475, 478 (Pa. 1975). “Only if it is plain that no grounds exist to support the decree or that the rule of law relied upon was palpably erroneous or misapplied will we interfere with the decision of the [trial court].” *Id.* To the extent that this Court is required to interpret a rule of civil procedure, our standard of review is *de novo*, and our scope of review is plenary. *Ligonier Twp. v. Nied*, 161 A.3d 1039, 1046 (Pa. Cmwlth. 2017).

Munhall Police attests that it was not involved in the towing, impoundment, and storage of Appellant's vehicle which gave rise to this interlocutory appeal, nor were its employees Sergeant Tichon, Officer Ruffing, and Officer Miller. Munhall Police Br. at 7. West Mifflin and Officer Ripper each filed separate notices of non-participation, as neither took any position on the pending issues before this Court. *See* West Mifflin's Notice of Non-Participation; Officer Ripper's Notice of Non-Participation.

III. Discussion

Preliminarily, we note that this is an appeal of an interlocutory order. Therefore, in order to determine whether Appellant's arguments are properly before us, we first address the question of jurisdiction. *See* Pa.R.A.P. 311(a); *see also* *Bisher v. Lehigh Valley Health Network, Inc.*, 265 A.3d 383, 399 (Pa. 2021) (noting that appellate courts have a duty to raise jurisdictional issues *sua sponte*).

A. Jurisdiction

This Court has jurisdiction over final orders and interlocutory orders that are deemed immediately appealable under the Pennsylvania Rules of Appellate Procedure. *See Commonwealth v. Scarborough*, 64 A.3d 602, 608 (Pa. 2013); *see also* Pa.R.A.P. 311(a). Pursuant to the Rules of Appellate Procedure, a final order is any order that

- (1) disposes of all claims and of all parties; or
- (2) is expressly defined as a final order by statute; or
- (3) is entered as a final order pursuant to subdivision (c) of this rule.

Pa.R.A.P. 341(b). Where more than one claim for relief is presented in an action, a trial court may designate as final an order as to one or more, but fewer than all of the claims, but “only upon an express determination that an immediate appeal would facilitate resolution of the case.” *Id.* 341(c). In the absence of such a determination, any order that adjudicates fewer than all claims does not constitute a final appealable order. *Id.*

Rule 311(a) pertains to our jurisdiction over interlocutory appeals and provides, in pertinent part, that such appeals may be taken as of right from the following types of orders:

(2) ***Attachments, etc.*** An order confirming, modifying, dissolving, or refusing to confirm, modify or dissolve an attachment, custodianship, receivership, or similar matter affecting the possession or control of property, except for orders pursuant to 23 Pa.C.S. §§ 3323(f), 3505(a).

. . .

(4) ***Injunctions.*** An order that grants or denies, modifies or refuses to modify, continues or refuses to continue, or dissolves or refuses to dissolve an injunction. . . .

Pa.R.A.P. 311(a) (emphasis in original). While Rule 311(a)(2) refers to orders involving matters affecting the possession or control of property, the Superior Court has expressly opined that

[a]ttachments, custodianships, [and] receiverships . . . have technical and peculiar meanings when applied in the legal context; these terms refer to a particular type of action or remedy. Replevin is likewise a distinct form of legal action and relief. “Replevin” is not a term which can be equated or used interchangeably with attachment, receivership, [or] custodianship.

Jerry Davis, Inc. v. Nufab Corp., 677 A.2d 1256, 1259 (Pa. Super. 1996).⁷ We find this rationale persuasive, as appellate courts have historically quashed interlocutory appeals of replevin orders unless special circumstances justifying immediate appellate review were present. *See, e.g., N. Fin. Corp. v. Watkins*, 202 A.2d 9 (Pa. 1964) (quashing appeal of a trial court order requiring appellants to deliver goods to the sheriff in a replevin action); *cf. Lynn v. Lynn*, 100 A. 975, 976 (Pa. 1917) (allowing appeal from interlocutory order denying plaintiff’s request for impoundment of chattels sought to be replevied where the property consisted of valuable family heirlooms and the actual pecuniary value of the property would not fully compensate the plaintiff in the event the defendant disposed of the goods).

Here, the Trial Court Order required Appellant to provide documentation showing that he was the owner of the vehicle in question. Trial Court Order. This was not a final appealable order because the Trial Court expressly conditioned the vehicle’s release on a future *separate* order pending Appellant’s compliance with the Trial Court Order. Specifically, the Trial Court Order states: “If the [Appellant] can produce this documentation to the [Trial] Court, ***a separate Order will be entered***, releasing the vehicle to him by K & L Towing [].” *Id.* (emphasis added). As such, it did not dispose of Appellant’s replevin claim in its entirety. *See* Pa.R.A.P. 341(b)(1). Moreover, the Trial Court’s proof of ownership directive arose out of Appellant’s Writ of Seizure, which requested a remedy in replevin to recover his vehicle. C.R. at 277-78. Because interlocutory appeals of replevin orders are not within the limited scope of appeals that may be taken as of right, this Court lacks jurisdiction over Appellant’s claims to the extent he argues an

⁷ Although not binding on this Court, decisions of the Superior Court may be cited as persuasive where they address analogous issues. *Lerch v. Unemployment Comp. Bd. of Rev.*, 180 A.3d 545, 550 (Pa. Cmwlt. 2018).

alleged right to possession without showing proof of ownership. *See* Pa.R.A.P. 311(a).

However, this interlocutory appeal was taken as of right from the portion of the Trial Court Order denying the injunctive relief sought in Appellant's Motion for Injunctive Relief. Trial Court Order, 8/19/2025; *see also* Pa.R.A.P. 311(a)(4). Appellant does not challenge the merits of that denial. *See* Appellant's Br. at 9-10 & 12-14. Accordingly, our review is limited to Appellant's challenge to the Trial Court's procedure in its denial of Appellant's Motion for Injunctive Relief. Pa.R.A.P. 311(a)(4).

B. Procedural Compliance

While Appellant's brief is unclear, he appears to mischaracterize the Trial Court Order's conditional release of his vehicle as joint injunctive and replevin relief, despite the Trial Court Order denying the injunctive relief sought in Appellant's Motion for Injunctive Relief. As such, Appellant argues that the conditional relief should be vacated due to the Trial Court's alleged procedural deficiencies while disposing of Appellant's Motion for Injunctive Relief. Appellant's Br. at 7 & 15. Specifically, Appellant maintains that he was entitled to two separate hearings due to the mandatory hearing requirements for both preliminary injunctions and writs of seizure. *Id.* at 10. He further contends that the Trial Court failed to comply with the required procedure when it did not require "posting of bond" for the preliminary injunction. *Id.* We disagree.

The Pennsylvania Supreme Court has ruled that the purpose of a preliminary injunction "is to preserve the status quo as it exists or previously existed before the acts complained of, thereby preventing irreparable injury or gross

injustice.” *Maritrans GP, Inc. v. Pepper, Hamilton & Scheetz*, 602 A.2d 1277, 1286 (Pa. 1992) (emphasis omitted). Ordinarily, a preliminary injunction may be issued only after written notice and a hearing, as well as the plaintiff’s mandatory filing of a bond “in an amount fixed and with security approved by the court[.]” Pa.R.Civ.P. 1531(a)-(b).

Here, we note that Appellant never argues the merits of his preliminary injunction denial claim; he merely argues that the Trial Court failed to comply with “mandatory procedure.” *See* Appellant’s Br. at 7-15. This claim lacks merit. Procedural due process guarantees a meaningful right to be heard, not a multiplicity of hearings. U.S. CONST. amend. XIV, § 1; *see also Soja v. Pa. State Police*, 455 A.2d 613, 615 (Pa. 1982) (“The essential elements of due process are notice and opportunity to be heard and defend in an orderly proceeding adapted to the nature of the case” (internal brackets and quotation marks omitted)). By Appellant’s own admission, a hearing was held on the Motion for Injunctive Relief on August 18, 2025. *See* C.R. at 373. Appellant fails to cite legal authority to support his contention that separate hearings must be held for each individual pre-trial motion, and we find no support for such in our jurisprudence. *See Commonwealth v. Spontarelli*, 791 A.2d 1254, 1259 n.11 (Pa. Cmwlth. 2002) (holding that mere issue spotting without analysis or legal citation to support an assertion precludes appellate review of a matter). As such, the Trial Court appropriately complied with the hearing requirement pursuant to Rule 1531(a), Pa.R.Civ.P. 1531(a).

Moreover, the issue of bond is moot; an appellate court can invalidate an injunction based on a bond deficiency only if the injunction was granted. *See Walter v. Stacy*, 837 A.2d 1205, 1208 (Pa. Super. 2003) (holding that an appellate court has no choice but to vacate an order **granting** a preliminary injunction where

the trial court fails to require bond (citing Pa.R.A.P. 1531(b))). Instantly, the Trial Court denied the injunctive relief sought in Appellant's Motion for Injunctive Relief. Thus, there is no injunction for this Court to invalidate.

Finally, we observe that Appellant's bond argument is meritless in any event. As stated above, an appellate court must dissolve a preliminary injunction if a bond is not filed *by the plaintiff*. *Soja v. Factoryville Sportsmen's Club*, 522 A.2d 1129, 1131 (Pa. Super. 1987). Here, Appellant was the plaintiff below. As such, his appeal from the Trial Court's failure to require him to post a bond is frivolous, as he could not have been aggrieved by his own failure to post a bond. *See* Pa.R.Civ.P. 1531(b)(1) (providing that *the plaintiff* must file a bond in order to obtain an injunction, so that if the injunction is later determined to have been improperly granted, the bond secures the plaintiff's obligation to pay to the enjoined person "all damages sustained by reason of granting the injunction . . .").

Accordingly, the Trial Court complied with the relevant procedural requirements, and Appellant's Motion for Injunctive Relief was properly denied.

IV. Conclusion

Based on the foregoing discussion, we quash Appellant's appeal for lack of jurisdiction to the extent that it raises replevin claims on an interlocutory appeal, and we affirm the Trial Court Order as to the denial of Appellant's Motion for Injunctive Relief.

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Gerald S. Lepre, Jr.,	:	
Appellant	:	
	:	
v.	:	
	:	
West Mifflin Police Department;	:	
Brian J. Ripper; K&L Towing	:	
and Recovery; Munhall Police	:	
Department; Sgt. Tichon;	:	
Officer Ruffing; Officer Miller;	:	
John Doe 1-6; and Jane Doe 1-10,	:	
In Their Individual (Personal) or	:	No. 1613 C.D. 2025
Official Capacities	:	

PER CURIAM

ORDER

AND NOW, this 21st day of September, 2026, the appeal of Gerald S. Lepre, Jr. is QUASHED IN PART to the extent it challenges the conditional replevin relief afforded by the August 19, 2025 interlocutory order of the Court of Common Pleas of Allegheny County (Trial Court). The Trial Court's August 19, 2025 order is otherwise AFFIRMED.