

**SUPREME COURT OF PENNSYLVANIA  
MINOR COURT RULES COMMITTEE**

**NOTICE OF PROPOSED RULEMAKING**

**Proposed Amendment of Pa.R.C.P.M.D.J. No. 402**

The Minor Court Rules Committee is planning to propose to the Supreme Court of Pennsylvania the amendment of Pa.R.C.P.M.D.J. No. 402, addressing entry of judgment in the court of common pleas, 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 neither will constitute a part of the rules nor 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:

**Pamela S. Walker, Counsel  
Minor Court Rules Committee  
Supreme Court of Pennsylvania  
Pennsylvania Judicial Center  
PO Box 62635  
Harrisburg, PA 17106-2635  
FAX: 717-231-9526  
minorrules@pacourts.us**

All communications in reference to the proposal should be received by April 29, 2015. 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 Minor Court Rules Committee,

Bradley K. Moss  
Chair

## REPORT

### Proposed Amendment of Pa.R.C.P.M.D.J. No. 402

#### ENTRY OF JUDGMENT IN THE COURT OF COMMON PLEAS

##### I. Introduction

The Minor Court Rules Committee (“Committee”) is planning to propose to the Supreme Court of Pennsylvania the amendment of Pa.R.C.P.M.D.J. No. 402. This rule addresses entry of judgment in the court of common pleas. The Committee is proposing to add the Philadelphia Municipal Court as an additional court where a judgment may be entered.

##### II. Discussion

Currently, Rule 402 provides, among other things, that a plaintiff may enter a judgment rendered by a magisterial district court in the court of common pleas of any county. See Rule 402D(1). When entered in the court of common pleas, the judgment is subject to the indexing, revival and execution procedures applicable in the court of common pleas. *Id.* Entering a judgment in the court of common pleas, and submission of proof thereof to the magisterial district court, has the effect of vacating the underlying magisterial district court judgment, so that only one judgment remains in effect for execution purposes. See Rule 402D(4).

While reviewing Rule 302 (pertaining to venue) on a separate matter, a Committee member observed that the venue rule specifically permits the transfer of cases to and from the Philadelphia Municipal Court, while the rule on entry of judgments limits transfers to a magisterial district court or a court of common pleas. The Committee agreed that permitting entry of judgments in the Philadelphia Municipal Court would be useful to litigants, and discussed amending Rule 402 to add the Philadelphia Municipal Court.

The Philadelphia Municipal Court Rules of Civil Procedure permit entry of judgments from other courts: “[j]udgments of other Pennsylvania jurisdictions within the jurisdictional amount of this court may be transferred to this court by filing a certified copy of all the docket entries in the action and a certification of the amount of judgment or a certified copy of the transcript of the judgment.” See Phila.M.C.R.Civ.P. No. 125a. Judgments entered in Philadelphia Municipal Court are treated in the same manner as judgments entered in the Court of Common Pleas of Philadelphia County.

Judgment recovered in the Philadelphia Municipal Court shall be a lien upon property in the same manner and to the same extent that judgment recovered in the Court of Common Pleas of Philadelphia County is a lien.

All such judgments shall be indexed in the judgment index or indices of Philadelphia County in the same manner as judgments of the court of common pleas are indexed.

42 Pa.C.S. § 1124. With regard to judgments of magisterial district courts, 42 Pa.C.S. § 1516, referenced in the Official Note to Rule 402, provides:

[a] judgment of a magisterial district judge shall not operate as a lien on real property until a transcript of the record showing a final judgment of a magisterial district judge has been filed in the manner prescribed by general rules in the office of the clerk of the court of common pleas of the county where the property is situated, or in the office of the clerk of the branch of the court of common pleas embracing such county.

42 Pa.C.S. § 1516.

The Committee did not find that these provisions prohibit entry of magisterial district court judgments in the Philadelphia Municipal Court. The Committee members agreed that permitting entry of judgments in the Philadelphia Municipal Court would achieve consistency between the courts, and provide litigants with an additional venue to initiate the judgment enforcement process. Accordingly, the Committee agreed to add references to the Philadelphia Municipal Court in Rule 402, as well as to add references to the Philadelphia Municipal Court and a civil procedure rule of that court to the Official Note.

### **III. Proposed Changes**

The Committee plans to propose the amendment of Rule 402 to add references to the Philadelphia Municipal Court throughout subdivisions D and E of the rule. The Committee will also propose amending the Official Note to add references to the Philadelphia Municipal Court, as well as a pertinent reference to Phila.M.C.R.Civ.P. No. 126c.