Court of Common Pleas of Philadelphia County Trial Division

For Prothonotary Use Only (Docket Number) OCTOBER 2016

002950

Civil Cover Sheet

Civil Cov	er Sheet	E-Filing Number: 1610043948	002330			
PLAINTIFF'S NAME DOMINICK OWENS		DEFENDANT'S NAME CITY OF PHILADELPHI	DEFENDANT'S NAME CITY OF PHILADELPHIA			
PLAINTIFF'S ADDRESS 5116 TULIP STREET PHILAI PHILADELPHIA PA 19124	DELPHIA		DEFENDANT'S ADDRESS 1515 ARCH STREET, 14TH FLOOR PHILADELPHIA PA 19102			
PLAINTIFF'S NAME RACHAEL BELL		DEFENDANT'S NAME	DEFENDANT'S NAME			
PLAINTIFF'S ADDRESS 31 COTTON ROAD LEVITTOWN LEVITTOWN PA 19057	1	DEFENDANT'S ADDRESS	DEFENDANT'S ADDRESS			
PLAINTIFF'S NAME MARK ZYCH		DEFENDANT'S NAME				
PLAINTIFF'S ADDRESS 127 MYRTLE AVENUE CHELTI CHELTENHAM PA 19012		DEFENDANT'S ADDRESS				
TOTAL NUMBER OF PLAINTIFFS TO	TAL NUMBER OF DEFENDANTS	COMMENCEMENT OF ACTION				
3	1	▼ Complaint □ Petition A □ Writ of Summons □ Transfer I	Action			
AMOUNT IN CONTROVERSY COURT	PROGRAMS					
φερορορο 1	bitration					
Jui		rings Action	ourt Appeal			
	her: CLASS ACTION	dion Statutory	Appeals W/D/Survivar			
CASE TYPE AND CODE						
C1 - CLASS ACTION						
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STATUTORY BASIS FOR CAUSE OF ACTION	THE CHI	THE CHANGE OF THE	<i>y</i>			
DELATED DENDING CACES (LIST DV CACES)	ADTION AND DOOKST NUMBER)	PH PP	LIG O AGE OUR JEGT TO			
RELATED PENDING CASES (LIST BY CASE CASE CASE)	APTION AND DOCKET NUMBER)	PRO PROTHY	IS CASE SUBJECT TO COORDINATION ORDER? YES NO			
	(OCT 20 2016				
		M. BRYANT				
TO THE PROTHONOTARY:						
Kindly enter my appearance on l	pehalf of Plaintiff/Petitioner	r/Appellant: DOMINICK OWENS	, RACHAEL BELL ,			
Papers may be served at the addi	ess set forth below.	MARK ZYCH				
NAME OF PLAINTIFF'S/PETITIONER'S/APPELL	ANT'S ATTORNEY	ADDRESS				
JASON E. POWELL			KANG HAGGERTY & FETBROYT LLC			
PHONE NUMBER	FAX NUMBER		123 S. BROAD STREET SUITE 1670			
(215)525-5850	(215)525-5860		PHILADELPHIA PA 19109			
SUPREME COURT IDENTIFICATION NO.	1	E-MAIL ADDRESS				
309032		jpowell@LawKHF.co	jpowell@LawKHF.com			
SIGNATURE OF FILING ATTORNEY OR PART	Y	DATE SUBMITTED				
JASON POWELL		Thursday, October	Thursday, October 20, 2016, 12:43 pm			

KANG HAGGERTY & FETBROYT LLC

By: Edward T. Kang David P. Dean Jason E. Powell

Attorney ID Nos. 87823/210044/309032

ekang@LawKHF.com ddean@LawKHF.com jpowell@LawKHF.com

123 S. Broad Street, Suite 1670

Philadelphia, PA 19109 P: (215) 525-5850

F: (215) 525-5860



Attorneys for Plaintiffs and Proposed Class

DOMINICK OWENS 5116 Tulip Street Philadelphia, PA 19124

RACHAEL BELL

31 Cotton Road Levittown, PA 19057

and

MARK ZYCH 127 Myrtle Avenue Cheltenham, PA 19012

Plaintiffs,

V.

CITY OF PHILADELPHIA 1515 Arch Street, 14th Floor Philadelphia, PA 19102

Defendant.

PHILADELPHIA COUNTY
COURT OF COMMON PLEAS

CLASS ACTION

October Term, 2016

NO. _____

JURY TRIAL DEMANDED

NOTICE TO DEFEND

NOTICE

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after the complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a

AVISO

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las páginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demanda y la notificación. Hace falta asentar una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea

judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

PHILADELPHIA BAR ASSOCIATION Lawyer Referral and Information Service 1101 Market Street, 11th Floor Philadelphia, Pennsylvania 19107 (215) 238-1701 avisado que si usted no se defiende, la corte tomará medidas y puede continuar la demanda en contra suya sin previo aviso o notificación. Además, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE. SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFICIENTE DE PAGAR TAL SERVICIO, VAYA EN PERSONA O LLAME POR TELEFONO A LA OFICINA CUYA DIRECCION SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL.

ASOCIACIÓN DE LICENCIADOS DE FILADELFIA Servicio De Referencia E Información Legal 1101 Market Street, 11th Floor Filadelfia, Pennsylvania 19107 (215) 238-1701

By: Edward T. Kang	
David P. Dean	
Jason E. Powell	
Attorney ID Nos. 87823/210044/309032	
ekang@LawKHF.com	
ddean@LawKHF.com	
jpowell@LawKHF.com	
123 S. Broad Street, Suite 1670	
Philadelphia, PA 19109	
P: (215) 525-5850	
F: (215) 525-5860	Attorneys for Plaintiffs and Proposed Class
	: PHILADELPHIA COUNTY
DOMINICK OWENS	: COURT OF COMMON PLEAS
	. COURT OF COMMON FLEAS
5116 Tulip Street	: CLASS ACTION
Philadelphia, PA 19124	. CLASS ACTION
DACHAEL DELL	: October Term, 2016
RACHAEL BELL	·
31 Cotton Road	: NO
Levittown, PA 19057	: NO
and	
	·
MARK ZYCH	JURY TRIAL DEMANDED
127 Myrtle Avenue	·
Cheltenham, PA 19012	· ·
	: :
Plaintiffs,	:
V.	:
	:
CITY OF PHILADELPHIA	:
1515 Arch Street, 14 th Floor	:
	:
Philadelphia, PA 19102	•

KANG HAGGERTY & FETBROYT LLC

CLASS ACTION COMPLAINT

Defendant.

Plaintiffs, Dominick Owens, Rachael Bell, and Mark Zych, individually and on behalf of all others similarly situated, by their undersigned counsel, bring this action against Defendant, City of Philadelphia, and in support thereof aver as follows:

PARTIES

- Plaintiff Dominick Owens is an adult individual residing at 5116 Tulip Street,
 Philadelphia, PA 19124.
- Plaintiff Rachael Bell is an adult individual residing at 31 Cotton Road, Levittown,
 PA 19057.
- 3. Plaintiff Mark Zych is an adult individual residing at 127 Myrtle Avenue, Cheltenham, PA 19012.
- 4. Defendant City of Philadelphia is a municipal corporation and political subdivision of the Commonwealth of Pennsylvania.
- 5. Defendant City of Philadelphia operates and maintains the Philadelphia Police Department (the "PPD").

JURISDICTION AND VENUE

- 6. This Court has jurisdiction pursuant to 42 Pa.C.S.A. §§ 931, 5301 because Defendant is a municipal corporation that resides in and regularly conducts transactions in the Commonwealth of Pennsylvania.
- 7. Venue is appropriate in this Court pursuant to Pa.R.C.P. No. 1006 because Defendant is located in Philadelphia County and all of Plaintiffs' claims arise from transactions and occurrences that took place in both the City and County of Philadelphia.

FACTUAL BACKGROUND

- 8. Defendant, like other municipalities in Pennsylvania, is given the power under state law to enforce the Pennsylvania Vehicle Code, 75 Pa.C.S.A. § 101, *et seq.*, on streets and highways within its boundaries. *See* 75 Pa.C.S.A. § 6109.
 - 9. This power includes enforcing speed limits on those streets and highways.

- 10. Local police, however, may *only* enforce speed restrictions on a "divided highway" or "limited access highway" within their municipality's boundaries *if* the local police department does so under the terms of an agreement with the Pennsylvania State Police (the "State Police") that is, a speed enforcement agreement ("SEA"). *See* 75 Pa.C.S.A. § 6109(a)(11).
- 11. Accordingly, because the PPD is a local police department, it may only enforce speed restrictions on divided or limited access highways within Philadelphia if it does so under the terms of a SEA with the State Police for each of the divided or limited access highways it intends to enforce speed restrictions on.
- 12. The Vehicle Code defines "divided highway" as "[a] highway divided into two or more roadways and so constructed as to impede vehicular traffic between the roadways by providing an intervening space, physical barrier or clearly indicated dividing section." 75 Pa.C.S.A. § 102.
- 13. The Vehicle Code further defines "limited access highway" as "[a] highway in respect to which owners or occupants of abutting lands and other persons have no legal right of access except at points and in the manner determined by the authority having jurisdiction over the highway." 75 Pa.C.S.A. § 102.
- 14. A number of highways within the City of Philadelphia are both "divided highways" and "limited access highways" within the meaning of the Vehicle Code, including Interstate 95 ("I-95"), Interstate 76 ("I-76"), and Interstate 676 ("I-676"), among others.
- 15. Accordingly, the PPD is prohibited from stopping motorists and issuing citations for violations of speed restrictions on I-95, I-76, and I-676, unless it has a current SEA for those highways with the State Police.
 - 16. While the PPD currently has SEAs with the State Police covering certain limited

access and divided highways within Philadelphia city limits (such as divided and/or limited access portions of U.S. Route 1), the PPD has no existing SEA covering I-95, I-76, or I-676.

- 17. As a result, PPD officers have no authority to stop and cite motorists on those highways for violations of speed restrictions under Subchapter F of the Vehicle Code (75 Pa.C.S.A. §§ 3361–3368) ("Subchapter F").
- 18. The PPD is aware that it lacks authority to stop and cite motorists on I-95, I-76, and I-676 for violations of Subchapter F.
- 19. On or about July 17, 2012, then-police commissioner Charles H. Ramsey issued a memorandum addressed to all PPD personnel concerning speed enforcement on I-95, I-76, and I-676 (the "2012 Memo"). A true and correct copy of the 2012 Memo is attached hereto as Exhibit A.
- 20. In the 2012 Memo, Commissioner Ramsey notified all PPD personnel that the State Police had decided not to enter into a new SEA with the PPD covering I-95, I-76, and I-676. *Id*.
- 21. Commissioner Ramsey further alerted PPD personnel that they were prohibited from issuing citations for any speeding violations on those highways, and further, if PPD officers initiate a traffic stop on those highways, they must contact the nearest State Police facility to conduct an enforcement action. *Id*.
- 22. To date, the PPD is still operating without a SEA with State Police covering the portions of I-95, I-76, and I-676 within the City of Philadelphia.
- 23. Despite lacking the required SEA, and thus the authority to conduct speed enforcement actions, and despite the recognition by former Commissioner Ramsey that such conduct is prohibited, the PPD has continued to stop motorists on the above-mentioned highways and issue citations for speeding violations under Subchapter F.

- 24. Notwithstanding the 2012 Memo from former Commissioner Ramsey, the PPD operates with a de facto policy of illegally stopping and citing motorists on I-95, I-76, and I-676.
- 25. In the four years that the PPD has operated without a SEA covering I-95, I-76, and I-676, the City of Philadelphia, through the PPD, has cited, and collected fines from hundreds, if not thousands, of motorists, despite lacking the authority to do so.
- 26. For example, on December 14, 2014, Plaintiff Rachael Bell was stopped and cited by a PPD officer while driving on I-95.
- 27. Ms. Bell was cited for failing to drive at a safe speed in violation of Section 3361 of Subchapter F; and was assessed a fine of \$162.50, which she paid.
- 28. As a result of the citation, Ms. Bell believes that she was assessed points on her driver's license, which in turn, increased her car insurance.
- 29. On March 8, 2015, Plaintiff Mark Zych was stopped and cited by a PPD officer while driving on I-95.
- 30. Mr. Zych was cited for driving in excess of 55 miles per hour in violation of Section 3362 of Subchapter F, and was assessed a fine of \$234.50. A true and correct copy of the March 8, 2015 citation is attached hereto as Exhibit B.
- 31. Mr. Zych used paid-time-off from work, and paid for parking, the four times he appeared at traffic court contesting the citation.
- 32. At the first hearing, Mr. Zych's counsel argued that the PPD did not have the authority to issue the citation, which the court ignored in finding him guilty.
 - 33. Mr. Zych incurred \$35.00 appealing the court's ruling.
- 34. At the appeal hearing, the PPD officer who issued the citation admitted that the PPD did not have the authority to issue speeding citations under Subchapter F; then Defendant

attempted to change the offense for which Mr. Zych was cited to failure to drive at a safe speed – which is also under Subchapter F (Section 3361).

- 35. In light of the 2012 Memo (<u>Ex. A</u>) not to mention the law the court allowed Defendant a week to formulate a response to Mr. Zych's position.
- 36. A week later (that is, the fourth time Mr. Zych appeared at traffic court), Defendant conceded the impropriety of the citation by withdrawing it. A true and correct copy of the withdrawal of citation is attached hereto as Exhibit C.
- 37. Despite the foregoing, the PPD has continued to issue speeding citations under Subchapter F on I-95, I-76, and I-676, without having entered into a new SEA with the State Police.
- 38. For instance, on May 27, 2016, Plaintiff Dominick Owens was stopped and cited by a PPD officer while driving on I-95.
- 39. Mr. Owens was cited for driving in excess of 55 miles per hour in violation of Section 3362 of Subchapter F, and was assessed a fine of \$185.50. A true and correct copy of the May 27, 2016 citation is attached hereto as Exhibit D.
 - 40. Mr. Owens paid Defendant \$210.50 for the citation, including court costs.
- 41. Mr. Owens also used paid-time-off from work, and paid for parking, when he appeared at traffic court on July 20, 2016.
- 42. As a result of the citation, Mr. Owens was assessed three points on his driver's license, which in turn, increased his car insurance about \$30.00-\$40.00 per month.

CLASS ALLEGATIONS

43. Plaintiffs seek certification of the following class pursuant to the Pennsylvania Rules of Civil Procedure:

All individuals who were stopped and cited by PPD officers for violations of Subchapter F on limited access highways and divided highways within

the City of Philadelphia at a time where the PPD did not have a current SEA with the State Police allowing the PPD to enforce speed restrictions under Subchapter F on those highways, including, but not limited to, citations issued by the PPD for Subchapter F violations on I-95, I-76, and I-676, from July 17, 2012 to present (the "Class").

- 44. Pa.R.C.P. No. 1702 provides that an action may be maintained as a class action if:
 - (1) the class is so numerous that joinder of all members is impracticable;
 - (2) there are questions of law or fact common to the class;
 - (3) the claims or defenses of the representative parties are typical of the claims or defenses of the class;
 - (4) the representative parties will fairly and adequately assert and protect the interests of the class under the criteria set forth in Pa.R.C.P. No. 1709; and
 - (5) a class action provides a fair and efficient method for adjudication of the controversy under the criteria set forth in Pa.R.C.P. No. 1708.

Numerosity

- 45. Pursuant to Pa.R.C.P. No. 1702(1), Class members are so numerous that their individual joinder is impracticable.
- 46. The precise number of Class members is unknown to Plaintiffs, but the number of people in the proposed Class greatly exceeds the number considered in this judicial district to make joinder impossible.

Common questions of fact or law

- 47. Pursuant to Pa.R.C.P. No. 1702(2), questions of fact and law, except as to the amount of damages each member of the Class sustained, are common to the Class.
- 48. Common questions of law and fact predominate over the questions affecting only individual Class members.
 - 49. Some of the common legal and factual questions, without limitation, include:

- (a) Whether Defendant, acting through the PPD, intentionally misrepresented that it had authority to stop and cite motorists for speed restriction violations under Subchapter F on I-95, I-76, and I-676, among others, during the relevant time period;
- (b) Whether Defendant, acting through the PPD, negligently misrepresented that it had authority to stop and cite motorists for speed restriction violations under Subchapter F on I-95, I-76, and I-676, among others, during the relevant time period; and
- (c) Whether the PPD operates with a de facto policy of stopping and citing motorists for speed restriction violations under Subchapter F on I-95, I-76, and I-676, despite knowing that it lacks an operable SEA with the State Police governing those highways, among others.

Typicality

- 50. Pursuant to Pa.R.C.P. No. 1702(3), Plaintiffs' claims are typical of the claims of the other members of the Class.
- 51. Plaintiffs and Class members have all been damaged as a result of Defendant's actions in illegally stopping and citing them for speed restriction violations on I-95, I-76, and/or I-676. In other words, Plaintiffs and Class members were subject to, and harmed by, a common policy and practice applied by Defendant.

Adequacy

- 52. Pursuant to Pa.R.C.P. No. 1702(4), Plaintiffs will fairly and adequately protect the interests of the Class.
- 53. Plaintiffs are familiar with the basic facts that form the bases of the Class members' claims.
- 54. Plaintiffs' interests do not conflict with the interests of the other Class members that they seek to represent.
- 55. Plaintiffs have retained counsel competent and experienced in Class action litigation and intend to prosecute this action vigorously.

Superiority

- 56. Pursuant to Pa.R.C.P. No. 1702(5), a class action is an appropriate method for the fair and efficient adjudication of this controversy because joinder of all Class members is impracticable.
- 57. The prosecution of separate actions by individual members of the Class would impose heavy burdens upon the courts and Defendant, and would create a risk of inconsistent or varying adjudications of the questions of law and fact common to the Class.
- 58. A class action would achieve substantial economies of time, effort and expense; and would assure uniformity of decision as to persons similarly situated without sacrificing procedural fairness.

COUNT I

- 59. Plaintiffs incorporate herein by reference the allegations contained in all of the preceding paragraphs above as though set forth in their entirety.
- 60. From July 17, 2012 to present, the PPD has repeatedly represented to numerous motorists, including Plaintiffs, that it had/has the authority to stop and cite those motorists for violations of Subchapter F on I-95, I-76, and I-676.
- 61. Since July 17, 2012 (and possibly before then), the PPD has not had the authority to stop and cite motorists for violations of Subchapter F on I-95, I-76, and I-676.
 - 62. As such, the PPD's representations were false.
- 63. The PPD made the above representations with knowledge of their falsity or recklessness as to whether their representations were true or false.
- 64. In light of the 2012 Memo not to mention Pa.C.S.A. § 6109(a)(11), which has been in effect since 1976 the PPD should have known that it did not have the authority to stop

and cite motorists for violations of Subchapter F on I-95, I-76, and I-676.

- 65. The PPD made the above misrepresentations with the intent that Plaintiffs would rely on them.
 - 66. Plaintiffs justifiably relied on the PPD's misrepresentations.
- 67. In reliance on the PPD's misrepresentations, Plaintiffs (1) stopped their cars along the side of the highway and were detained there until the PPD officer allowed them to leave; (2) paid fines, attorneys' fees, and court costs associated with the citations issued by the PPD; (3) used paid-time-off from work to go to court; and (4) incurred increased car insurance rates.
- 68. The PPD's misrepresentations were material to the above transactions because had Plaintiffs known that PPD did not have the authority to issue the citations issued to them, they would not have done any of the foregoing.
- 69. The damage suffered by Plaintiffs was proximately caused by the PPD's misrepresentations.
- 70. By stopping and citing motorists such as Plaintiffs for violations of Subchapter F on I-95, I-76, and I-676, despite knowing it had no authority to do so, Defendant (acting through the PPD) acted with reckless indifference and conscious disregard of the law, as well as Plaintiffs' and the Class's rights.

WHEREFORE, Plaintiffs demand judgment against Defendant for damages in excess of \$50,000, plus punitive damages, interest, costs of suit, and for such other relief as the Court deems equitable and just.

COUNT II Negligent Misrepresentation

71. Plaintiffs incorporate herein by reference the allegations contained in all of the preceding paragraphs above as though set forth in their entirety.

- 72. From July 17, 2012 to present, the PPD has repeatedly represented to numerous motorists, including Plaintiffs, that it had/has the authority to stop and cite those motorists for violations of Subchapter F on I-95, I-76, and I-676.
- 73. Since July 17, 2012 (and possibly before then), the PPD has not had the authority to stop and cite motorists for violations of Subchapter F on I-95, I-76, and I-676.
 - 74. As such, the PPD's representations were false.
- 75. In light of the 2012 Memo not to mention Pa.C.S.A. § 6109(a)(11), which has been in effect since 1976 the PPD should have known that it did not have the authority to stop and cite motorists for violations of Subchapter F on I-95, I-76, and I-676.
- 76. The PPD made the above misrepresentations with the intent that Plaintiffs would rely on them.
 - 77. Plaintiffs justifiably relied on the PPD's misrepresentations.
- 78. In reliance on the PPD's misrepresentations, Plaintiffs (1) stopped their cars along the side of the highway and were detained there until the PPD officer allowed them to leave; (2) paid fines, attorneys' fees, and court costs associated with the citations issued by the PPD; (3) used paid time off from work to go to court; and (4) incurred increased car insurance rates.
- 79. The damage suffered by Plaintiffs was proximately caused by the PPD's misrepresentations.
- 80. By stopping and citing motorists such as Plaintiffs for violations of Subchapter F on I-95, I-76, and I-676, despite knowing it had no authority to do so, Defendant (acting through the PPD) acted with reckless indifference and conscious disregard of the law, as well as Plaintiffs' and the Class's rights.

WHEREFORE, Plaintiffs demand judgment against Defendant for damages in excess of

\$50,000, plus punitive damages, interest, costs of suit, and for such other relief as the Court deems equitable and just.

COUNT III Unjust Enrichment

- 81. Plaintiffs incorporate herein by reference the allegations contained in all of the preceding paragraphs above as though set forth in their entirety.
- 82. Plaintiffs conferred a benefit upon Defendant by paying fines and court costs associated with citations issued by the PPD for violations of Subchapter F on I-95, I-76, and I-676 since July 17, 2012.
 - 83. Defendant had knowledge of the benefit conferred upon them by Plaintiffs.
 - 84. Defendant received and accepted the benefit conferred upon them by Plaintiffs.
- 85. Defendant was unjustly enriched at Plaintiffs' expense in that Defendant accepted the benefit of Plaintiffs' money without providing a reciprocal benefit to Plaintiffs.
- 86. Defendant accepted this benefit with knowledge that it was receiving money from illegal speeding citations issued by the PPD.
- 87. Under the circumstances, Defendant's acceptance and retention of the benefit of Plaintiffs' money is unfair and inequitable as they received this benefit at Plaintiffs' expense.
- 88. By stopping and citing motorists such as Plaintiffs for violations of Subchapter F on I-95, I-76, and I-676, despite knowing it had no authority to do so, Defendant (acting through the PPD) acted with reckless indifference and conscious disregard of the law, as well as Plaintiffs' and the Class's rights.

WHEREFORE, Plaintiffs demand judgment against Defendant for damages in excess of \$50,000, plus punitive damages, interest, costs of suit, and for such other relief as the Court deems equitable and just.

JURY DEMAND

Plaintiffs hereby demand trial by jury of twelve on all issues so triable.

Respectfully submitted,

KANG HAGGERTY & FETBROYT LLC

By: /s/Jason E. Powell

Edward T. Kang David P. Dean Jason E. Powell 123 S. Broad Street, Suite 1670 Philadelphia, PA 19109

P: (215) 525-5850 F: (215) 525-5860

Attorneys for Plaintiffs and Proposed Class

Dated: October 20, 2016

VERIFICATION

I, Mark Zych, have read the foregoing complaint and hereby verify that the factual matters set forth therein are true and correct to the best of my knowledge, information, and belief. I understand that this verification is made subject to the penalties of 18 Pa.C.S.A. § 4904, relating to unsworn falsification to authorities.

Dated: 10/20/20/6

Mark Zycl

VERIFICATION

I, Dominick Owens, have read the foregoing complaint and hereby verify that the factual matters set forth therein are true and correct to the best of my knowledge, information, and belief. I understand that this verification is made subject to the penalties of 18 Pa.C.S.A. § 4904, relating to unsworn falsification to authorities.

Dominick Owens

Dated: 10-20-16

VERIFICATION

I, Rachael Bell, have read the foregoing complaint and hereby verify that the factual matters set forth therein are true and correct to the best of my knowledge, information, and belief. I understand that this verification is made subject to the penalties of 18 Pa.C.S.A. § 4904, relating to unsworn falsification to authorities.

Dated: 10/19/2016

Muchael Bell Rachael Bell

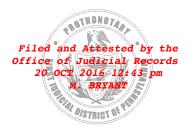


Exhibit A

GENERAL:3864 07/17/12 15:34:08 FROM RSPA TO BT RECEIPT NO.463. PAGE 1 OF 2.

TO: ALL POLICE PERSONNEL

SUBJECT: SPEED ENFORCEMENT ON I-95, I-76, AND I-676 IN PHILADELPHIA

- 1. TITLE 75, VEHICLE CODE, SECTION 6109 (A) (11) REQUIRES A SPEED ENFORCEMENT AGREEMENT BETWEEN THE REGIONAL OR MUNICIPAL POLICE DEPARTMENT AND THE PENNSYLVANIA STATE POLICE FOR ENFORCEMENT OF SPEED RESTRICTIONS ON LIMITED ACCESS AND/DIVIDED HIGHWAYS WITHIN THEIR JURISDICTION. THIS AGGREEMENT WOULD ALLOW PHILADELPHIA POLICE OFFICERS TO ISSUE SPEEDING TVRS ON SUCH HIGHWAYS RUNNING THROUGH PHILADELPHIA.
- 2. THE PENNSYLVANIA STATE POLICE HAS DECIDED NOT TO RE-ENTER INTO A SPEED ENFORCEMENT AGREEMENT WITH THE PHILADELPHIA POLICE DEPARTMENT WITH RESPECT TO THOSE PORTIONS OF INTERSTATE 95, INTERSTATE 76 AND INTERSTATE 676 THAT RUN THROUGH THE CITY OF PHILADELPHIA.

GENERAL:3864 07/17/12 15:34:08 FROM RSPA TO BT RECEIPT NO.463. PAGE 2 OF 2

SUBJECT: SPEED ENFORCEMENT ON I-95, I-76, AND I-676 IN PHILADELPHIA (CONT'D)

3. AS A RESULT OF THE PENNSYLVANIA STATE POLICE DECISION, EFFECTIVE IMMEDIATELY AND UNTIL FURTHER NOTICE, PHILADELPHIA POLICE OFFICERS ARE PROHIBITED FROM ISSUING ANY SPEEDING VIOLATIONS ON THOSE PORTIONS OF INTERSTATE 95, INTERSTATE 76 AND INTERSTATE 676 THAT RUN THROUGH THE CITY OF PHILADELPHIA. THE PENNSYLVANIA STATE POLICE HAS ADVISED, HOWEVER, THAT IN THE EVENT ANY PPD OFFICER ENCOUNTERS A SPEEDING VIOLATION WHILE TRAVERSING ON THESE HIGHWAYS THAT A PPD OFFICER CAN INITIATE A TRAFFIC STOP BUT MUST CONTACT THE NEAREST PENNSYLVANIA STATE POLICE FACILITY FOR APPROPRIATE ENFORCEMENT ACTION.

CHARLES H. RAMSEY POLICE COMMISSIONER

TO BE READ AT ALL ROLL CALLS FOR THREE (3) CONSECUTIVE DAYS.



Exhibit B

6 DEFENDANT NAME - I		arear his Testing		MIDDLE LAS	PA ST	# 1985 E	10,374	61240	6A, C	M E
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Exhibit C

Commonwealth of Pennsylvania

CP-51-SAQQ 2189-2015

WITHDRAWAL OF CITATION(S)

The Commonwealth withdraws the following citation(s) pursuant to Pa.R.Crim.P. 551, subject to court approval:

Citation No.	Issue Date	Violation
AAOOMOLE	3/8/15	3362A2

ON	REHAL	FOF	THE	COMMON	WEALTH:

ORDER

The Commonwealth's request to withdraw the above citation(s) is:

 $\hfill\square$ granted, and all charges are marked "withdrawn."

denied.

BY THE COURT:

Honorable

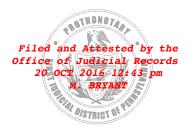


Exhibit D

Please read your Rights and Obligations on reverse side:

PHILADELPHIA MUNICIPAL COURT TRAFFIC DIVISION

TT 130204-4

800 SPRING GARDEN STREET P.O. BOX 56301 TRAFFIC CITATION PHILADELPHIA, PA 19130-6301 PA M F ☐ Yes ☐ No 10/10 D-PA Defendant Drivers License ☐ Non Drivers License ☐ BMV Other PA I PA SEE BACK OF DEFENDANT'S COPY FOR BREAKDOWN OF TOTAL DUE VIOLATION TYPE TOTAL DUE* (if paid within 10 days of Issuance) Filed on Information Received ☐ Active Work Zone 25. Vehicle Co Vehicle Code ☐ Safety Corridor ☐ Lab Services Requested 26. CHARGE SECTION & SUBSECTION 31. ACTUAL VEHICLE WEIGHT 28 SPEED TIMES lbs. 37. STAT/ FOUR. TST 39. ACC. ARREST/RI YES **NOTICE TO APPEAR** YOU MUST APPEAR FOR YOUR SUMMARY TRIAL WHICH IS SCHEDULED FOR: ETAM 48. MONTH 49. DAY 50, YEAR 51. TIME 201/2 ☐ PM You must plead Guilty or Not Guilty within 10 days of receipt of the citation (see the Reverse side of the Citation). If within 10 days of receipt of the citation (see the Reverse side of the Citation, If within 10 days of receipt of the citation (see the Reverse side of the Citation). If within 10 days of receipt of the citation is the summary trial will be cancelled. If you are charged with a violation of 75 Pa.C.S. § 1543 or any other violation that provides for the imposition of a prison sentence, you must appear on the above date with counsel. If you fail to appear for the trial, you are consenting to the trial in your absence. If you are found guilty, the collateral deposited will be forfeited and applied toward your fines and costs. Within 30 days of the entry of a guilty plea or adjudication of guilt you have the right to appear for a trial de novo in the Court of Common Pleas. I have served a copy of this Citation on the Defendant.
I verify that the facts set forth in this citation are true and correct to the best of my knowledge, information and belief.
This verification is made subject to the penalties of Section 4904 of the Crimes Code (18 Pa.C.S. §4904) relating to the unsworn falsification to authorities BADGE NO 3400 OFFICER'S SIGNATURE 53. DATE SSUED FILED Acc. Inv. Div. DRPA Pub. Util. Com. State Police SCHOOL VEH. 16 PASS VEH. COMM, VEH. Ø YES YES ☐ NO 0.5-NOTICE If you plead guilty or are found guilty, points may be assessed against your driver's record. An accumulation of points may result in the suspension of your driving privilege: Also, your driving privilege WILL BE SUSPENDED if you plead guilty or are found guilty of certain offenses under the Vehicle Code, including but not limited to: 75 Pa.C.S. § 1371, 3341,3345,3367,3718,3734,3736, subsequent convictions of 75 Pa.C.S. § 1501, a violation of 75 Pa.C.S. § 3361 when occurring in an active work zone and an accident report is submitted by the police, and a violation of 75 Pa.C.S. § 3382 when occurring in an active work zone.

*Final Amount to be determined by Municipal Court, Traffic Division.

AOPCA-2005

DEFENDANT'S COPY

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