

Court of Common Pleas of Philadelphia County
 Trial Division
Civil Cover Sheet

For Prothonotary Use Only (Docket Number)
OCTOBER 2016 **002950**
 E-Filing Number: 1610043948

PLAINTIFF'S NAME DOMINICK OWENS	DEFENDANT'S NAME CITY OF PHILADELPHIA
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PLAINTIFF'S ADDRESS 5116 TULIP STREET PHILADELPHIA PHILADELPHIA PA 19124	DEFENDANT'S ADDRESS 1515 ARCH STREET, 14TH FLOOR PHILADELPHIA PA 19102
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PLAINTIFF'S NAME RACHAEL BELL	DEFENDANT'S NAME
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PLAINTIFF'S ADDRESS 31 COTTON ROAD LEVITTOWN LEVITTOWN PA 19057	DEFENDANT'S ADDRESS
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PLAINTIFF'S NAME MARK ZYCH	DEFENDANT'S NAME
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PLAINTIFF'S ADDRESS 127 MYRTLE AVENUE CHELTENHAM CHELTENHAM PA 19012	DEFENDANT'S ADDRESS
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TOTAL NUMBER OF PLAINTIFFS 3	TOTAL NUMBER OF DEFENDANTS 1	COMMENCEMENT OF ACTION <input checked="" type="checkbox"/> Complaint <input type="checkbox"/> Petition Action <input type="checkbox"/> Notice of Appeal <input type="checkbox"/> Writ of Summons <input type="checkbox"/> Transfer From Other Jurisdictions
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AMOUNT IN CONTROVERSY <input type="checkbox"/> \$50,000.00 or less <input checked="" type="checkbox"/> More than \$50,000.00	COURT PROGRAMS <input type="checkbox"/> Arbitration <input type="checkbox"/> Mass Tort <input type="checkbox"/> Commerce <input type="checkbox"/> Settlement <input type="checkbox"/> Jury <input type="checkbox"/> Savings Action <input type="checkbox"/> Minor Court Appeal <input type="checkbox"/> Minors <input type="checkbox"/> Non-Jury <input type="checkbox"/> Petition <input type="checkbox"/> Statutory Appeals <input type="checkbox"/> W/D/Survival <input checked="" type="checkbox"/> Other: CLASS ACTION
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CASE TYPE AND CODE
C1 - CLASS ACTION

STATUTORY BASIS FOR CAUSE OF ACTION

RELATED PENDING CASES (LIST BY CASE CAPTION AND DOCKET NUMBER)	FILED PRO PROTHY OCT 20 2016 M. BRYANT	IS CASE SUBJECT TO COORDINATION ORDER? YES NO
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TO THE PROTHONOTARY:
 Kindly enter my appearance on behalf of Plaintiff/Petitioner/Appellant: DOMINICK OWENS , RACHAEL BELL , MARK ZYCH
 Papers may be served at the address set forth below.

NAME OF PLAINTIFF'S/PETITIONER'S/APPELLANT'S ATTORNEY JASON E. POWELL	ADDRESS KANG HAGGERTY & FETBROYT LLC 123 S. BROAD STREET SUITE 1670 PHILADELPHIA PA 19109
PHONE NUMBER (215) 525-5850	FAX NUMBER (215) 525-5860

SUPREME COURT IDENTIFICATION NO. 309032	E-MAIL ADDRESS jpowell@LawKHF.com
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SIGNATURE OF FILING ATTORNEY OR PARTY JASON POWELL	DATE SUBMITTED Thursday, October 20, 2016, 12:43 pm
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KANG HAGGERTY & FETBROYT LLC

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

Attorney ID Nos. 87823/210044/309032

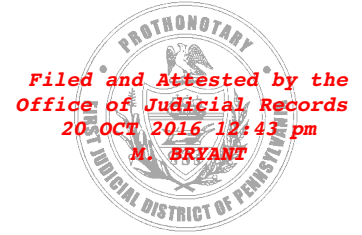
ekang@LawKHF.com
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jpowell@LawKHF.com

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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) días 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 FILADELFA
Servicio De Referencia E Información Legal
1101 Market Street, 11th Floor
Filadelfia, Pennsylvania 19107
(215) 238-1701**

KANG HAGGERTY & FETBROYT LLC

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

Attorney ID Nos. 87823/210044/309032

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Attorneys for Plaintiffs and Proposed Class

DOMINICK OWENS
5116 Tulip Street
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RACHAEL BELL
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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

CLASS ACTION COMPLAINT

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

1. Plaintiff Dominick Owens is an adult individual residing at 5116 Tulip Street, Philadelphia, PA 19124.
2. 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 (Ex. A) – 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 **Fraud**

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

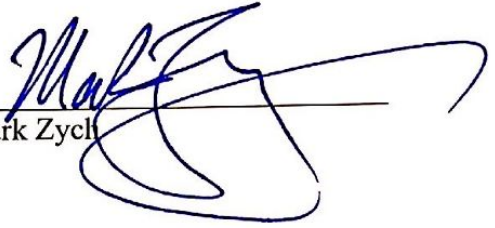
VERIFICATION

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:

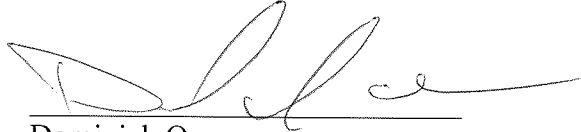
10/20/2016

Mark Zych

A handwritten signature in blue ink, appearing to read 'Mark Zych', written over a horizontal line. The signature is stylized and includes a large loop at the end.

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.

A handwritten signature in black ink, appearing to read 'Dominick Owens', written over a horizontal line.

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.


Rachael Bell

Dated: 10/19/2016

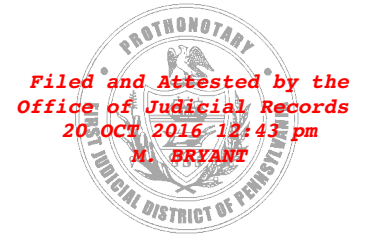


Exhibit A

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 AGREEMENT 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.

CPL. DEBORAH A. HAWORTH #8309, [REDACTED]

Case ID: 161002950

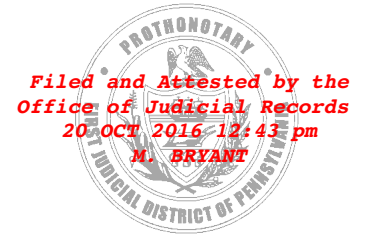


Exhibit B

P.O. BOX 56301
PHILADELPHIA, PA 19130-6301

TRAFFIC CITATION

2. C.D.C. <input type="checkbox"/>		3. STATE <input checked="" type="checkbox"/> PA		5. SEX <input checked="" type="checkbox"/> M <input type="checkbox"/> F	
6. DEFENDANT NAME - FIRST Mark				MIDDLE LAST E. Zeman	
7. DEFENDANT STREET ADDRESS 127 N. MYRTLE AVE					
8. CITY Philadelphia			9. STATE <input checked="" type="checkbox"/> PA		10. ZIP CODE 19102
11. OWNER/LESSEE OR CARRIER NAME (if different from defendant)				11A. IDENTIFICATION SOURCE <input checked="" type="checkbox"/> Drivers License <input type="checkbox"/> Defendant <input type="checkbox"/> Non Drivers License <input type="checkbox"/> BMV <input type="checkbox"/> Other	
12. OWNER/LESSEE OR CARRIER ADDRESS (if different from defendant)					
13. VEHICLE REG. NO. 7P-1008		14. REG. YR. 15	15. STATE <input checked="" type="checkbox"/> PA	16. MAKE Acura	17. TYPE SUV
19. VEHICLE REG. NO.		20. REG. YR.	21. STATE <input type="checkbox"/> PA	22. MAKE	23. TYPE
					24. COLOR Black
SEE BACK OF DEFENDANT'S COPY FOR BREAKDOWN OF TOTAL DUE.					
25. VIOLATION TYPE <input checked="" type="checkbox"/> Vehicle Code <input type="checkbox"/> Ordinance		<input type="checkbox"/> Filed on Information Received <input type="checkbox"/> Lab Services Requested		<input type="checkbox"/> Active Work Zone <input type="checkbox"/> Safety Corridor	
26. CHARGE SECTION & SUBSECTION 3302.02				TOTAL DUE* (if paid within 10 days of issuance) 234.30	
27. NATURE OF OFFENSE Speeding					
28. SPEED TIMED 33		29. SPEED ALLOWED 55		30. WEIGHT PERMITTED lbs.	31. ACTUAL VEHICLE WEIGHT lbs.
32. FOLLOWED 15.5 miles		33. TIMED miles	34. TIMED 4.22 seconds	35. SPEED EQUIP. SERIAL NO. 1008	36. SPEED DETECT. EQUIP. TYPE RADAR
37. STAT. EQUIP. TST. E-110		38. DATE EQUIP. TST. 2-19-15		39. ACC. ARREST/RPT. NO. <input type="checkbox"/> YES	
40. LOCATION OF OCCURRENCE 395 S.B. at Myrtle Ave					
41. DISTRICT OCC. 3		42. SELECTIVE ENF. <input type="checkbox"/> YES	43. DIR OF TRAVEL N E W	44. WEATHER CONDITIONS Clear	45. OFFENSE DATE 3-3-15
46. DAY 7		47. TIME 1:35		<input type="checkbox"/> AM	<input checked="" type="checkbox"/> PM
NOTICE TO APPEAR					
YOU MUST APPEAR FOR YOUR SUMMARY TRIAL WHICH IS SCHEDULED FOR:					
48. MONTH 5		49. DAY 6	50. YEAR 2015	51. TIME 9:00 AM	LOCATION: 800 Spring Garden Street Philadelphia, PA 19123
<p>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 you enter a guilty plea and pay the fine and costs indicated on the citation, 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 appeal for a trial <i>de novo</i> in the Court of Common Pleas.</p> <p>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.</p>					
OFFICER'S SIGNATURE P/O [Signature]				BADGE NO. 3458	
52. DEFENDANT'S SIGNATURE - ACKNOWLEDGES RECEIPT OF CITATION X [Signature]				53. DATE 3-3-15	
54. STATION ADDRESS Temple SR		55. DIST. ISS. Temple	56. LAW ENFORCEMENT AGENCY <input type="checkbox"/> Acc. Inv. Div. <input type="checkbox"/> DRPA <input checked="" type="checkbox"/> City Police <input type="checkbox"/> PennDOT <input type="checkbox"/> Pub. Util. Com. <input type="checkbox"/> State Police <input checked="" type="checkbox"/> Other		
57A. JUVENILE <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		57B. PARENTS NOTIFIED <input type="checkbox"/> YES <input type="checkbox"/> NO		58. COMM. VEH. HAZ. MAT. <input type="checkbox"/>	59. SCHOOL VEH. 16 PASS VEH. <input type="checkbox"/>
57. REMARKS Operator observed 395 S.B. at Myrtle Ave turning right lane in one motion and continued on a high rate of speed passing other cars. Traveled in pass lane on 395 S.B. when approaching Myrtle Ave exit. (2:00:03)					
61. TOTAL DUE (if paid within 10 Days of Issuance) 234.30		62. SECTION/SUB SEC. 3302.02	63. DATE 3-3-15	AA 004101-6	

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 driver's license.

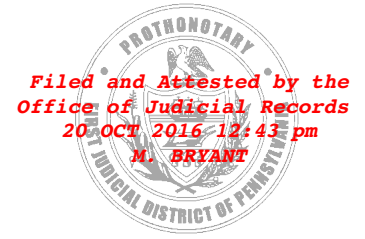


Exhibit C

Commonwealth of Pennsylvania
vs.

CP-51-SA 0002184-2015

Mark Zurek
Defendant's Name

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
4A00411016	3/8/15	3363A2 3363A2

ON BEHALF OF THE COMMONWEALTH:

Amanda Makoid
PRINT NAME

8/3/15
Date

[Signature]
Signature

ORDER

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

- granted, and all charges are marked "withdrawn."
- denied.

BY THE COURT:

8/3/15
Date

[Signature]
Honorable

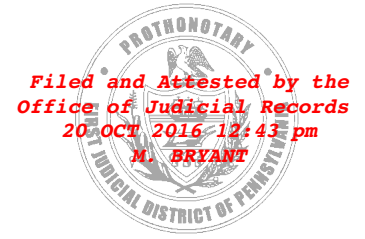


Exhibit D

PHILADELPHIA MUNICIPAL COURT
TRAFFIC DIVISION
800 SPRING GARDEN STREET
P.O. BOX 56301
PHILADELPHIA, PA 19130-6301



TT 130204-4

TRAFFIC CITATION

2. C.D.L. <input type="checkbox"/>		3. STATE <input checked="" type="checkbox"/> PA		5. SEX <input checked="" type="checkbox"/> M <input type="checkbox"/> F	
6. DEFENDANT NAME - FIRST Dominick				6A. COMM VEH <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
MIDDLE		LAST			
7. DEFENDANT STREET ADDRESS 5116 Tulip St					
8. CITY Phila.		9. STATE <input checked="" type="checkbox"/> PA		10. ZIP CODE 19124	
11. OWNER/LESSEE OR CARRIER NAME (if different from defendant) Michelle Skaggs				11A. IDENTIFICATION SOURCE <input type="checkbox"/> Drivers License <input type="checkbox"/> Defendant <input type="checkbox"/> Non Drivers License <input type="checkbox"/> BMV <input type="checkbox"/> Other	
12. OWNER/LESSEE OR CARRIER ADDRESS (if different from defendant) 5104 Tulip St Phila. PA 19124					
13. VEHICLE REG. NO. JHL 7710		14. REG. YR. 5-17		15. STATE <input checked="" type="checkbox"/> PA	
16. MAKE Chevy		17. TYPE Sdn		18. COLOR Maroon	
19. VEHICLE REG. NO.		20. REG. YR.		21. STATE <input type="checkbox"/> PA	
22. MAKE		23. TYPE		24. COLOR	

SEE BACK OF DEFENDANT'S COPY FOR BREAKDOWN OF TOTAL DUE.

25. VIOLATION TYPE <input checked="" type="checkbox"/> Vehicle Code <input type="checkbox"/> Ordinance		<input type="checkbox"/> Filed on Information Received		<input type="checkbox"/> Active Work Zone		TOTAL DUE* (if paid within 10 days of Issuance) 185.50	
		<input type="checkbox"/> Lab Services Requested		<input type="checkbox"/> Safety Corridor			

26. CHARGE SECTION & SUBSECTION
3362 A-2

27. NATURE OF OFFENSE
Speeding

28. SPEED TIMED 71.7		29. SPEED ALLOWED 55		30. WEIGHT PERMITTED lbs.		31. ACTUAL VEHICLE WEIGHT lbs.	
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32. FOLLOWED 1703		33. TIMED miles		34. TIMED 8.84 seconds		35. SPEED EQUIP. SERIAL NO. 1631		36. SPEED DETECT. EQUIP. TYPE Tracker EM23		37. STAT. EQUIP. TST.	
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38. DATE EQUIP. TST. 05-12-16		39. ACC. ARREST/APT. NO. <input type="checkbox"/> YES		40. LOCATION OF OCCURRENCE S/B I-95 / Castor							
41. DISTRICT OCC. 24		42. SELECTIVE ENF.		43. DIR. OF TRAVEL E W		44. WEATHER CONDITIONS Clear		45. OFFENSE DATE 05-27-16		46. DAY 5	
								47. TIME 5:55		<input type="checkbox"/> AM <input checked="" type="checkbox"/> PM	

NOTICE TO APPEAR

YOU MUST APPEAR FOR YOUR SUMMARY TRIAL WHICH IS SCHEDULED FOR:

48. MONTH 07		49. DAY 20		50. YEAR 2016		51. TIME 9:00		LOCATION: 800 Spring Garden Street Philadelphia, PA 19123	
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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 you enter a guilty plea and pay the fine and costs indicated on the citation, 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 appeal 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.

OFFICER'S SIGNATURE: [Signature] BADGE NO. 3400

52. DEFENDANT'S SIGNATURE - ACKNOWLEDGES RECEIPT OF CITATION X

53. DATE: 05-27-16 ISSUED FILED

54. STATION ADDRESS Franklin St		55. DIST. ISS. 52		56. LAW ENFORCEMENT AGENCY <input type="checkbox"/> Acc. Inv. Div. <input type="checkbox"/> DRPA <input type="checkbox"/> City Police <input type="checkbox"/> PennDOT <input type="checkbox"/> Pub. Util. Com. <input type="checkbox"/> State Police <input type="checkbox"/> Other			
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57A. JUVENILE <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		57B. PARENTS NOTIFIED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		58. COMM. VEH. <input type="checkbox"/> HAZ. MAT. <input type="checkbox"/>		59. SCHOOL VEH. <input type="checkbox"/> 16 PASS VEH. <input type="checkbox"/>		60. <input checked="" type="checkbox"/> MARKED <input type="checkbox"/> UNMARKED	
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57. REMARKS
Cal 11412 Acc 2500 Det passed my marked patrol Veh at a speed greater than posted & clocked at 71 MPH in a 55 MPH zone

61. TOTAL DUE (if paid within 10 Days of Issuance) 185.50		62. SECTION/SUB SEC. 3362A-2		63. DATE 05-27-16		TT 130204-4	
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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, 3341,3345,3367,3718,3734,3738, 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. § 3362 when occurring in an active work zone.
*Final Amount to be determined by Municipal Court, Traffic Division.

AOPCA-2005 DEFENDANT'S COPY
Please read your Rights and Obligations on reverse side.
* T T 1 3 0 2 0 4 4 *