



---

**HOW TO FILE A CIVIL COMPLAINT  
WITH A MAGISTERIAL DISTRICT JUDGE**

---

**WARNING:**

**When you file a lawsuit against someone, they are much more likely to sue you in return.**

**If you decide to file, you must be prepared to defend yourself against claims the other side might make against you.**

## **General Filing Information for Civil Complaints**

Included in this package you will find the addresses and contact information for all 6 Lycoming County Magisterial District Judge Offices. You may want to call the office to make sure you know in which office to file.

### **Where to File Your Civil Complaint**

All Civil Complaints must be filed in the Magisterial District that has jurisdiction over the action. A civil action may be brought where: (1) the cause of action arose; or (2) the transaction or occurrence took place out of which the cause of action arose; or (3) the defendant can be served.

### **Filing Costs for Civil Actions**

The M.D.J. will require a filing fee for all Civil Complaints, unless you cannot afford the fee, in which case, it should be waived (see below). In addition to a filing fee, a separate fee must also be paid to “serve” the Complaint upon the defendant. A Civil Complaint can be served by either Certified Mail, Return Receipt Requested, Restricted Delivery, or by personal service through a Constable. As the costs of service may vary depending on the method of service selected and the location of the defendant or real property, you are encouraged to contact the Magisterial District Judge Office where you will be filing your action to find out the actual filing and service costs involved in your case.

### **Waiver of Fees (also called IFP: *in forma pauperis*)**

If you are considered low-income by legal aid, the filing fee should be waived, even if you are not being represented by legal aid. If you have not applied for legal aid or are not low-income under legal aid guidelines, you can still ask for a fee waiver. You must complete the IFP Petition that is included with this packet and file it with your complaint.

### **Forms**

The Administrative Office of Pennsylvania Courts (the “AOPC”) has created complaint forms and IFP petitions that must be used. The Magisterial District Judge Office may not accept a complaint if it is not presented on the appropriate state approved form. Copies of each of these forms are included in this package. You may also access these forms on the internet at [www.AOPC.org](http://www.AOPC.org). The person filing the complaint is the “plaintiff,” and the person being sued is the “defendant.”

## CIVIL ACTIONS BEFORE A MAGISTERIAL DISTRICT JUDGE

1. **Amount of Claim:** A Magisterial District Judge has jurisdiction to hear small claims involving an amount of money up to \$12,000.00. If an individual wishes to file such a claim he must complete and file a "Civil Complaint" and serve the Complaint upon the named defendant in accordance with the governing rules. The plaintiff must prepay the filing and service fees, unless they are waived. A hearing will then be scheduled.
2. **Time Requirements:** Once a civil claim is filed, the magisterial district judge will schedule a hearing date between 12 and 60 days from the Complaint filing date. The plaintiff must serve the Complaint on each named defendant at least ten days before the hearing and within 60 days of the Complaint filing date. If the plaintiff fails to serve the Complaint upon each defendant within the specified time, the hearing may have to be rescheduled or, if it is beyond 60 days, the Court may dismiss the Complaint "without prejudice." This means the plaintiff can reinstate the Complaint by filing a written request for reinstatement and paying a reinstatement filing fee.
3. **Service:** The plaintiff may serve the Complaint on each defendant by either of the following methods:
  - (a) CERTIFIED MAIL: must be restricted delivery with a return receipt requested;
  - (b) PERSONAL SERVICE by a constable: The plaintiff must supply the Court with the residential address or business address of each defendant and pay the constable's fee for service.
4. **Notice to Defend:** The defendant must tell the court if s/he intends to defend against the plaintiff's claim. This must be done by the time scheduled for the hearing. This means that one of the following will occur:
  - a) If defendant does not give notice to defend, the plaintiff does not have to attend the hearing and judgment will be entered in plaintiff's favor.
  - b) If defendant gives notice to defend just before the hearing, and the plaintiff has not been notified, the hearing will be rescheduled so the plaintiff can be notified.
  - c) If defendant gives notice to defend, and the plaintiff is notified in time, the hearing will be held as scheduled.
5. **Hearing:** If a hearing is held, the plaintiff must come prepared to prove his or her claim by a "preponderance of the evidence." Hearsay by third parties and affidavits are **not** admissible in court. Bills, estimates, receipts or statements of account may be introduced. All parties may request that the court issue subpoenas to witnesses compelling their attendance and testimony at the hearing. It is best to make this request in writing, stating the name and address of each witness to be subpoenaed. Amendments to a Complaint may be made only when the defendant is present in Court and may cause a continuance. Please note that Corporations can be represented only by a corporate officer or an attorney.

6. **Claim by Defendant:** A defendant may file a counterclaim against the plaintiff, but must do so at least 5 days before the date of the hearing. If the defendant files a counterclaim, the hearing will probably have to be rescheduled.
7. **Continuances:** a case may be postponed for up to 90 days from the date the complaint was filed for good cause or by agreement. Only one continuance is allowed for each party, unless there is good cause shown.
8. **Decision/Judgment:** The Magisterial District Judge will render his/her Judgment at the conclusion of the hearing, or within five (5) days.
9. **Money Judgment Due:** If judgment is entered in favor of the plaintiff, the defendant has 30 days in which to pay the judgment amount to the plaintiff or make arrangements with the plaintiff to pay the Judgment.
10. **Appeal:** All parties have the right to appeal the Judgment of the Magisterial District Judge by filing an appeal in the Office of the Prothonotary, Lycoming County Courthouse, 48 West Third St., Williamsport, PA, within 30 days of Judgment. Time is of the essence.
11. **Execution:** If Judgment is entered in favor of the plaintiff and the defendant does not file an appeal within 30 days, and if the defendant fails to pay the plaintiff the amount of the Judgment, the plaintiff may file a Request for Issuance of an Order of Execution. The Magisterial District Judge Court cannot execute on any Judgment 5 or more years old.
12. **Levy & Sale:** Through the Order of Execution, a constable will levy upon tangible nonperishable personal property of the defendant, if the defendant possesses any such property, and sell the property at a public sale to satisfy the Judgment. The plaintiff must appear at the sale and make appropriate arrangements with the constable for disposition of property levied upon and purchased at the sale.
13. **Recording of Judgment as Lien:** At any time after the expiration of the 30 day appeal period, the plaintiff may transfer a certified copy of the Magisterial District Judge's Judgment to the Office of the Prothonotary of the Court of Common Pleas in order to preserve the lien priority of the plaintiff's Judgment. The plaintiff is cautioned that the law requires him/her to take certain steps periodically to preserve or revive the Judgment.
14. **Judgment Paid:** If and when the defendant does pay the Judgment in full, the plaintiff must contact the District Court and file an "Entry of Satisfaction." Failure to do this could result in legal action against the plaintiff by the defendant.

Lycoming County

**District Court: 29-1-01**

**Christian D. Frey**  
605 West 4th Street  
Williamsport, PA 17701  
570-322-6159

---

**District Court: 29-3-01**

**Jerry C. Lepley**  
216 Market Street  
Jersey Shore, PA 17740  
570-398-4880

---

**District Court: 29-3-03**

**Jon E. Kemp**  
2134 Route 405 Highway  
Muncy, PA 17756  
570-546-7480

---

**District Court: 29-1-02**

**Allen P. Page , III**  
Lycoming County Courthouse  
48 West Third Street  
Williamsport, PA 17701  
570-327-2275

---

**District Court: 29-3-02**

**Gary A. Whiteman**  
Lysock View Complex  
542 County Farm Road, Suite 103  
Montoursville, PA 17754  
570-326-1714

---

**District Court: 29-3-04**

**William C. Solomon**  
1965 Lycoming Creek Road, Room 101  
Williamsport, PA 17701  
570-323-9982

Clinton County

---

**District Court: 25-3-02**

**John W. Maggs**

385 Beech Creek Avenue

P.O. Box 174

Mill Hall, PA 17751

570-726-4064

---

**District Court: 25-3-03**

**Frank P. Mills**

112 Ninth Street

Renovo, PA 17764

570-923-9931

---

**District Court: 25-3-01**

**Keith G. Kibler**

301 Frederick Street, Suite 100

Lock Haven, PA 17745

570-893-4086

**Administrative Office of Pennsylvania Courts**

**Civil Complaint (AOPC 308A-03) Filing Instructions**

You need to have a copy of the Civil Complaint for the plaintiff, two copies for each defendant and a copy with an original signature for the magisterial district judge office. You may photocopy the completed complaint to produce the needed number of copies, including a copy for the defendant's attorney. You will be charged filing costs and service costs when the complaint is filed, unless those costs are waived by the judge. No changes may be made to this form either in content or format.

**NOTE: ALL FORMS CAN BE ACCESSED ON LINE AT [WWW.AOPC.ORG](http://WWW.AOPC.ORG)**



**CIVIL COMPLAINT**

Magisterial District Number: \_\_\_\_\_

MDJ Name: Hon. \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: (    ) \_\_\_\_\_

PLAINTIFF:                      NAME and ADDRESS

\_\_\_\_\_

\_\_\_\_\_

**VS.**

DEFENDANT:                      NAME and ADDRESS

\_\_\_\_\_

\_\_\_\_\_

Docket No.: \_\_\_\_\_

Date Filed: \_\_\_\_\_



	AMOUNT	DATE PAID
FILING COSTS	\$ _____	_____
POSTAGE	\$ _____	_____
SERVICE COSTS	\$ _____	_____
CONSTABLE ED.	\$ _____	_____
TOTAL	\$ 0.00	_____

*Social security numbers and financial information (e.g. PINS) should not be listed. If the identity of an account number must be established, list only the last four digits. 204 Pa.Code §§ 213.1 - 213.7.*

Pa.R.C.P.M.D.J. No. 206 sets forth those costs recoverable by the prevailing party.

**TO THE DEFENDANT:** The above named plaintiff(s) asks judgment against you for \$ \_\_\_\_\_ together with costs upon the following claim (Civil fines must include citation of the statute or ordinance violated):

I, \_\_\_\_\_ verify that the facts set forth in this complaint are true and correct to the best of my knowledge, information, and belief. This statement is made subject to the penalties of Section 4904 of the Crimes Code (18 PA. C.S. § 4904) related to unsworn falsification to authorities.

\_\_\_\_\_  
 (Signature of Plaintiff or Authorized Agent)

The plaintiff's attorney shall file an entry of appearance with the magisterial district court pursuant to Pa.R.C.P.M.D.J. 207.1.

**IF YOU INTEND TO ENTER A DEFENSE TO THIS COMPLAINT, YOU SHOULD NOTIFY THIS OFFICE IMMEDIATELY AT THE ABOVE TELEPHONE NUMBER. YOU MUST APPEAR AT THE HEARING AND PRESENT YOUR DEFENSE. UNLESS YOU DO, JUDGMENT MAY BE ENTERED AGAINST YOU BY DEFAULT.**

If you have a claim against the plaintiff which is within the magisterial district judge jurisdiction and which you intend to assert at the hearing, you must file it on a complaint form at this office at least five days before the date set for the hearing.

If you are disabled and require a reasonable accommodation to gain access to the Magisterial District Court and its services, please contact the Magisterial District Court at the above address or telephone number. We are unable to provide transportation.



# IN FORMA PAUPERIS AFFIDAVIT PETITION

Mag. Dist. No:
MDJ Name:
Address:
Telephone: (    )

\_\_\_\_\_

VS.

\_\_\_\_\_

Docket No:  
Case Filed:

## STATEMENT OF THE PETITIONER

I hereby request that this Court permit me to proceed in forma pauperis (without payment of the filing fee). In support of this I state the following:

- 1. I am the plaintiff in the above matter and because of my financial condition am unable to pay the fee for filing this action.
- 2. I am unable to obtain funds from anyone, including my family and associates, to pay the costs of litigation.
- 3. I represent that the information below relating to my ability to pay the fees and costs, is true and correct.

<b>NAME AND ADDRESS</b>	If you are presently employed, state employer:
Name: _____	Name: _____
Address 1: _____	Address 1: _____
Address 2: _____	Address 2: _____
City: _____	City: _____
State: _____	State: _____ Zip: _____
Zip: _____	SALARY OR WAGES PER MONTH _____

TYPE OF WORK \_\_\_\_\_

If you are presently unemployed, state: \_\_\_\_\_

THE DATE OF MY LAST EMPLOYMENT WAS \_\_\_\_\_

SALARY OR WAGES PER MONTH \_\_\_\_\_

TYPE OF WORK \_\_\_\_\_

**OTHER INCOME RECEIVED WITHIN THE PAST TWELVE MONTHS**

BUSINESS OR PROFESSION _____	INTEREST _____
OTHER SELF-EMPLOYMENT _____	DIVIDENDS _____
PENSION AND ANNUITIES _____	SUPPORT PAYMENTS _____
SOCIAL SECURITY BENEFITS _____	DISABILITY PAYMENTS _____
WORKERS' COMPENSATION _____	PUBLIC ASSISTANCE _____
UNEMPLOYMENT COMPENSATION AND SUPPLEMENTAL BENEFITS _____	
OTHER _____	

Case Name:	Docket Number:
------------	----------------

**OTHER CONTRIBUTIONS TO HOUSEHOLD SUPPORT**

SPOUSE'S NAME	<input type="checkbox"/>	MY SPOUSE IS EMPLOYED
SPOUSE'S EMPLOYER	SALARY OR WAGES PER MONTH	
TYPE OF WORK		
CONTRIBUTIONS FROM CHILDREN	CONTRIBUTIONS FROM PARENTS	
OTHER CONTRIBUTIONS		

**PROPERTY OWNED**

CASH	CHECKING ACCOUNT
SAVINGS ACCOUNT	CERTIFICATES OF DEPOSIT
REAL ESTATE (INCLUDING HOME)	
MOTOR VEHICLE MAKE	YEAR
COST	AMOUNT OWED
STOCKS; BONDS	OTHER

**DEBTS AND OBLIGATIONS**

MORTGAGE	RENT
LOANS	OTHER

**PERSONS DEPENDANT UPON ME FOR SUPPORT**

<input type="checkbox"/> SPOUSE NAME	
<input type="checkbox"/> AGES OF MINOR CHILDREN IF ANY	
<input type="checkbox"/> OTHER PERSONS - NAME (NON-MINOR)	RELATIONSHIP
NAME	RELATIONSHIP

- 4. I understand that I have a continuing obligation to inform the Court of improvement in my financial circumstances which would permit me to pay the costs incurred herein.
- 5. I verify that the statements made in this petition are true and correct. I understand that false statements herein are made subject to penalties of 18 Pa. C.S. § 4904, relating to unsworn falsification to authorities.

Date: \_\_\_\_\_ Signature of Petitioner \_\_\_\_\_

Action by the Magisterial District Judge: \_\_\_\_\_

\_\_\_\_\_ Date \_\_\_\_\_ Magisterial District Judge \_\_\_\_\_