



**HOW TO FILE A CIVIL COMPLAINT
WITH A MAGISTERIAL DISTRICT JUDGE
SELF-HELP KIT**

REMEMBER

The law often changes. Each case is different. This self-help kit is meant to give you general information and not give you specific legal advice.

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 packet you will find the addresses and contact information for the 6 Lycoming County Magisterial District Judge Offices and the 3 Clinton County Magisterial District Judge Offices. A map and description of the jurisdiction of each Magisterial District is also included. 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, (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 MDJ 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 “*in forma pauperis*” IFP)

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 IFO petition that is included with this packet and file it with your Complaint.

Forms

The Administrative Office of Pennsylvania Courts (AOPC) has created complaint forms and IFP Petition forms 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. A blank form for the Civil Complaint and the IFP Petition is included in this packet. You may also access fillable versions of these forms at www.pacourts.us/forms/for-the-public

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 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 he or she 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 five (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 ninety (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 to 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 a Notice of Appeal in the Office of the Prothonotary, Lycoming County Courthouse, 48 West Third Street, Williamsport, PA within **thirty (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 thirty days, and if the Defendant fails to pay to Plaintiff the amount of the judgment, the Plaintiff may file a Request for Issuance of an Order of Execution. (Be aware: the Magisterial District Judge cannot issue an order for execution on any judgment that is five 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, if no appeal has been filed, 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 that the judgment be revived periodically to be preserved. Once the judgment is transferred to Common Pleas Court, though, any request for execution must be filed with the Prothonotary and not with the Magisterial District Judge, by filing a Praecipe for Writ of Execution – Money Judgment.

14. **Judgment paid:** If and when the Defendant does pay the judgment in full, if the judgment was never transferred to Common Pleas Court, the Plaintiff needs to let the Magisterial District Judge know of the payment, by either letter or email. If the judgment *was* transferred to Common Pleas Court, the Plaintiff must file an “Entry of Satisfaction” with the Prothonotary. Failure to notify in either case could result in legal action by the Defendant against the Plaintiff.

Lycoming County

**29-1-01 Christian D. Frey
605 W. Fourth Street
Williamsport, PA 17701
(570) 322-6159**

**29-3-02 Gary A. Whiteman
542 County Farm Road
Montoursville, PA 17754
(570) 326-1714**

**29-1-02 Aaron S. Biichle
48 W. Third Street
Williamsport, PA 17701
(570) 327-2275**

**29-3-01 Jerry C. Lepley
216 Market Street
Jersey Shore, PA 17740
(570) 398-4880**

**29-3-03 Jon E. Kemp
2134 Route 405 Hwy
Muncy, PA 17756
(570) 546-7480**

**29-3-04 William C. Solomon
2107 Lycoming Creek Road
Williamsport, PA 17701
(570) 323-9982**

Clinton County

**25-3-02 John W. Maggs
385 Beech Creek Avenue
Mill Hall, PA 17751
(570) 726-4064**

**25-3-03 Frank P. Mills
112 Ninth Street
Renovo, PA 17764
(570) 923-9931**

**25-3-01 Keith G. Kibler
301 Frederick Street, Suite 100
Lock Haven, PA 17745
(570) 893-4086**

District Judge Frey:

Williamsport, to the west of Hepburn Street, to the south of Little League Blvd, to the west of Second Avenue and to the south of Rural Avenue.

District Judge Biichle:

Williamsport, to the east of Hepburn Street, to the north of Little League Blvd, to the east of Second Avenue and to the north of Rural Avenue.

District Judge Lepley:

Brown, McHenry, Pine, Cummings, Watson, Mifflin, Anthony, Piatt, Woodward, Porter, Nippenose, Bastress and Limestone townships and Jersey Shore and Salladasburg.

District Judge Kemp:

Washington, Brady, Clinton, Muncy, Muncy Creek, Mill Creek, Wolf, Shrewsbury, Wolf, Penn, Jordan, Franklin, Moreland townships and Muncy, Hughesville, Montgomery and Picture Rocks.

District Judge Whiteman:

Cascade, Gamble, Plunketts Creek, Eldred, Loyalsock (except northwest corner), Fairfield and Upper Fairfield townships, and South Williamsport and Montoursville.

District Judge Soloman:

McNett, Jackson, McIntyre, Cogan House, Lewis, Lycoming, Hepburn, Old Lycoming, Susquehanna, Armstrong and the northwest corner of Loyalsock townships, and Duboistown.

(Map included at end of packet)

Link to Boundaries map:

<http://lyco.maps.arcgis.com/apps/webappviewer/index.html?id=9d1a817308cd417f871078bac0c84e8d>

CIVIL COMPLAINT FILING INSTRUCTIONS

Once the Civil Complaint form is completed and signed, you need to make two copies for each defendant and one copy for yourself. You will be charged filing costs and service costs when the Complaint is filed at the office of the Magisterial District Judge, unless those costs are waived by the Judge. **NO CHANGES MAY BE MADE TO THE COMPLAINT FORM, EITHER IN CONTENT OR FORMAT.**