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IN THE COMMONWEALTH COURT OF PENNSYLVANIA

AMY MCFALLS, <i>et al.</i>	:	
	:	
<i>Petitioners,</i>	:	No. 4 MD 2021
v.	:	Class Action
	:	Original Jurisdiction
38 TH JUDICIAL DISTRICT, <i>et al.</i>	:	
	:	
<i>Respondents.</i>	:	
	:	

**PETITIONERS’ RESPONSES AND OBJECTIONS
TO THE PRELIMINARY OBJECTIONS OF
RESPONDENT LORI SCHREIBER**

Responses to Respondent Lori Schreiber’s Objections

1. Admitted in part; denied in part. Admitted that “this class action alleges the assessment of duplicative court costs against Petitioners and other proposed class member ... in the Court of Common Pleas of Montgomery County.” The remaining averments in this paragraph are conclusions of law to which no responsive pleading is required. To the extent a response is required, Petitioners deny that the alleged duplicated costs are “part of criminal convictions and sentences.”
2. Admitted.

3. Admitted.

4. Admitted.

5. Admitted.

6. The averments of this paragraph are conclusions of law to which no responsive pleading is required. By way of further response, Petitioners herein incorporate their Responses and Objections to the Preliminary Objections brought by the Judicial Respondents.

7. Admitted in part; denied in part. Admitted to the extent that these averments reflect Section VII (p. 40) of Petitioners' Petition for Review ("Petition"), where Petitioners' requests for relief are expressly laid out. Denied to the extent that these averments in any way modify Petitioners' expressly articulated claims and requests for relief. By way of further response, Petitioners have lodged state and federal constitutional claims as well as a state law claim.

8. Denied. The averments in this paragraph are conclusions of law to which no responsive pleading is required. By way of further response, Respondent Schreiber would be responsible for implementing the relief Petitioners seek. Petition ¶ 25.

9. Denied. The averments in this paragraph are conclusions of law to which no responsive pleading is required. By way of further response, Respondent Schreiber would be responsible for implementing the relief Petitioners seek. Petition ¶ 25.

10. Denied. The averments in this paragraph are conclusions of law to which no responsive pleading is required.

11. Denied. The averments in this paragraph are conclusions of law to which no responsive pleading is required.

12. Denied. The averments in this paragraph are conclusions of law to which no responsive pleading is required.

13. Denied. The averments in this paragraph are conclusions of law to which no responsive pleading is required.

14. Denied. The averments in this paragraph are conclusions of law to which no responsive pleading is required.

15. Denied. The averments in this paragraph are conclusions of law to which no responsive pleading is required.

16. Denied. The averments in this paragraph are conclusions of law to which no responsive pleading is required. By way of further response, Petitioners object that a pleading of “immunity from suit” is only appropriately raised as a New Matter and this objection should therefore be stricken from the pleading. Pa.R.C.P. 1030(a).

17. Denied. The averments in this paragraph are conclusions of law to which no responsive pleading is required.

18. Denied. The averments in this paragraph are conclusions of law to which no responsive pleading is required. By way of further response, preliminary objections later argued in a brief but not initially raised in pleadings

are waived. *See Buehl v. Beard*, 435 M.D. 2009, 2010 WL 9519016 (Pa. Cmwlth. Dec. 22, 2010) (unpublished); *see also* Pa.R.C.P. 1017(a)(4), 1028(b).

Preliminary Objections to Respondent Lori Schreiber's Objections

19. Petitioners object that a pleading of “immunity from suit” is only appropriately raised as a New Matter. Pa.R.C.P. 1030(a). Therefore objection ¶ 16 should be stricken from the pleading.

WHEREFORE, Petitioners respectfully request that the Preliminary Objections of Respondent Lori Schreiber be overruled or stricken.

Respectfully submitted,

Date: March 8, 2021

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	:	
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	:	

[PROPOSED] ORDER

AND NOW, this _____ day of _____, 2021,
upon consideration of Respondent Lori Schreiber’s Preliminary Objections to
the Petition for Review, and Petitioner’s Responses and Objections, it is
ORDERED that the Preliminary Objections are **OVERRULED**.

J.

CERTIFICATE OF SERVICE

I certify that on this day I caused the foregoing response to be served on all parties through this Court's ECF system.

Dated: March 8, 2021

/s/ John J. Grogan
John J. Grogan, Esq.