

DELAWARE COUNTY SOLICITOR’S OFFICE

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Attorney for Respondents

K.B.

Petitioner

v.

**DELAWARE COUNTY OFFICE OF
JUDICIAL SUPPORT, and MARY J.
WALK, in her official capacity as
Director of the Delaware County Office
of Judicial Support**

Respondents

**IN THE COMMONWEALTH
COURT OF PENNSYLVANIA**

Civil Action No. 446 MD 2023

**RESPONDENTS’ RESPONSE TO PETITIONER’S APPLICATION FOR
SUMMARY RELIEF IN THE FORM OF [A MOTION FOR] JUDGMENT
ON THE PLEADINGS**

Respondents, Delaware County Office of Judicial Support (“Respondent OJS”), and Mary J. Walk (“Respondent Walk”), in her official capacity as Director of the Delaware County Office of Judicial Support, by and through their undersigned counsel, hereby submit the following Response to Petitioner’s Application for Summary Relief in the Form of [a Motion for] Judgment on the Pleadings (the

“Application”):

I. Basis for Judgment on the Pleadings

1. Admitted.

2. Denied. The allegations in Paragraph 2 of the Application contain conclusions of law to which no response is required.

3. Admitted in part; denied in part. It is admitted that after the filing of the Petition for Review (the “Petition”), Respondents deviated from their policy and processed Petitioner’s Expungement Order after President Judge Linda A. Cartisano of the Delaware County Court of Common Pleas (“President Judge Cartisano”) directed Respondent Walk to do so. Petitioner’s allegation that “[Respondents] initially refused to process Petitioner’s Expungement Order pursuant to an illegal policy” is a conclusion of law to which no response is required; therefore, said allegation is denied. Petitioner’s allegation that “Respondents will not process expungement petitions for individuals whom Respondents believe have outstanding court costs” is also denied. Respondents’ policy does not rely on “beliefs.” See Answer Exhibit A for Respondents’ Policy.

4. Admitted.

5. Admitted.

6. Admitted.

7. Admitted.

8. Admitted.

9. Admitted.

10. Admitted.

11. Admitted in part; denied in part. It is admitted that K.B. filed the Expungement Petition. The remaining allegations in Paragraph 11 of the Application are denied, because the Expungement Petition is a document that speaks for itself

12. Denied. The Expungement Petition is a document that speaks for itself, and any interpretation thereof is denied.

13. Admitted.

14. Denied. The Expungement Order is a document that speaks for itself, and any interpretation thereof is denied.

15. Admitted in part; denied in part. It is admitted that the Clerk of Courts of Delaware County, Criminal Division is Respondent OJS, run by Respondent Walk. The remaining allegations in Paragraph 15 of the Application are denied, because the Expungement Order is a document that speaks for itself.

16. Denied. The Expungement Order is a document that speaks for itself, and any interpretation thereof is denied.

17. Admitted.

18. Admitted.

19. Admitted.

20. Denied as stated. Answer ¶ 54 states that, “Respondents processed K.B.’s expungement and served the Expungement Order on the criminal justice agencies listed in the Expungement Order since the filing of the Petition.”

21. Admitted in part; denied in part. It is admitted that Respondents sent K.B.’s counsel a letter. However, the letter is a document that speaks for itself, and any interpretation thereof is denied.

22. Admitted.

23. Admitted.

24. Denied. Respondents’ policy does not rely on “beliefs.” See Answer Exhibit A for Respondents’ Policy.

25. Admitted.

26. Denied. The allegations in Paragraph 26 of the Application contain conclusions of law to which no response is required.

27. Admitted.

28. Denied as stated. Respondents deviated from their policy and processed Petitioner’s Expungement Order after President Judge Cartisano directed Respondent Walk to do so.

29. Admitted.

30. Admitted.

31. Admitted.

32. Admitted in part; denied in part. It is admitted that a Delaware County Court of Common Pleas judge signed an expungement order for a different individual in CP-23-CR-0000922-2016. It also admitted that Respondents sent a letter regarding said individual. However, the letter is a document that speaks for itself, and any interpretation thereof is denied.

33. Admitted in part; denied in part. It is admitted that counsel at the ACLU of Pennsylvania and Legal Aid of Southeastern Pennsylvania sent a letter to Respondent Walk and President Judge Cartisano regarding said individual. However, the letter is a document that speaks for itself, and any interpretation thereof is denied.

34. Admitted in part; denied in part. It is admitted that President Judge Cartisano wrote a letter to Respondent Walk. However, the letter is a document that speaks for itself, and any interpretation thereof is denied.

35. Admitted.

36. Admitted.

37. Admitted.

38. Denied as stated. Respondents deviated from their policy and processed Petitioner's Expungement Order after President Judge Cartisano directed Respondent Walk to do so.

II. This Court Should Enter Judgment on the Pleadings in Favor of Petitioner.

39. Denied. The allegations in Paragraph 39 of the Application contain conclusions of law to which no response is required.

A. Count I: Failure to Comply with Ministerial Duties

40. Denied. The allegations in Paragraph 40 of the Application contain conclusions of law to which no response is required.

41. Denied. The allegations in Paragraph 41 of the Application contain conclusions of law to which no response is required.

42. Denied. The allegations in Paragraph 42 of the Application contain conclusions of law to which no response is required.

43. Denied. The allegations in Paragraph 43 of the Application contain conclusions of law to which no response is required.

B. Count II: Violation of CHRIA

44. Denied. The allegations in Paragraph 44 of the Application contain conclusions of law to which no response is required.

45. Denied. The allegations in Paragraph 45 of the Application contain conclusions of law to which no response is required.

46. Denied. The allegations in Paragraph 46 of the Application contain conclusions of law to which no response is required.

47. Denied. The allegations in Paragraph 47 of the Application contain conclusions of law to which no response is required.

48. Denied. The allegations in Paragraph 48 of the Application contain conclusions of law to which no response is required.

49. Denied. The allegations in Paragraph 49 of the Application contain conclusions of law to which no response is required.

50. Denied. The allegations in Paragraph 50 of the Application contain conclusions of law to which no response is required.

C. Count III: Violation of K.B.'s Fundamental Right to Reputation in Article I, Section 1 of the Pennsylvania Constitution

51. Denied. The allegations in Paragraph 51 of the Application contain conclusions of law to which no response is required.

52. Denied. The allegations in Paragraph 52 of the Application contain conclusions of law to which no response is required.

53. Denied. The allegations in Paragraph 53 of the Application contain conclusions of law to which no response is required.

54. Denied. The allegations in Paragraph 54 of the Application contain conclusions of law to which no response is required.

D. Count IV: Declaratory Judgment

55. Denied. The allegations in Paragraph 55 of the Application contain conclusions of law to which no response is required.

56. Denied. The allegations in Paragraph 56 of the Application contain conclusions of law to which no response is required.

WHEREFORE, Respondents respectfully request that the Court deny Petitioner's Application for Summary Relief in the Form of Judgment on the Pleadings.

Dated: 6/20/2024

By: /s/ Ali M. Alkhatib
ALI M. ALKHATIB, ESQUIRE
Attorney for Respondents