

**Rule 310 Municipal Court Appeals—
General.**

- (A) A default judgment may only be subject to appellate review in the manner prescribed by Philadelphia Civil Rule 313.
- (B) Except as provided by paragraph (C) below, a party may appeal for a trial *de novo* to the Court of Common Pleas from the entry of a judgment by the Municipal Court in the manner prescribed by Philadelphia Civil Rules 311 and 312.
- (C) A party may appeal the grant or denial by the Municipal Court of a petition to open a judgment by default or any other post-judgment order which would have been appealable had it been entered by the Court of Common Pleas, only in the manner prescribed by Philadelphia Civil Rule 313.

Note: Adopted by the Board of Judges, General Court Regulation 87-1, effective April 6, 1987.

**Rule 311 Municipal Court Appeals—
Supersedeas and Jury Trials.**

- (A) A notice of appeal from the entry of judgment by the Municipal Court to the Court of Common Pleas shall be filed within thirty days from the date of entry of judgment and copies shall be served upon all other attorneys of record and unrepresented parties.
- (B) The appellant shall pay the appropriate fee and file with the Prothonotary a Notice of Appeal and a certification of service.

(C)(1) If the judgment is for the payment of money, the appeal shall operate as a supersedeas when the appellant files with the Administrator of the Municipal Court a copy of the Notice of Appeal attested by the Prothonotary.

(2) If the appellant is the tenant in a landlord/tenant action, the appeal shall operate as a supersedeas when the appellant files with the Administrator of the Municipal Court a copy of the Notice of Appeal attested by the Prothonotary so long as rent is paid each month on the date specified in the lease agreement with one of the following: the Prothonotary's Office, the Urban League, a bank insured by F.D.I.C. or a savings association insured by F.S.L.I.C. and P.S.A.I.C., until final disposition of the appeal.

(D) Upon the filing of the Notice of Appeal and the payment of the fees therefor, the Prothonotary shall assign the Common Pleas Court Term and Number, and the date, time and place of an arbitration hearing, if applicable, pursuant to Philadelphia Civil Rules *1301 and *1303(A).

(E) Any party may request a trial by jury in accordance with Pa.R.C.P. 1007.1 and Philadelphia Civil Rule *1007.1.

Note: Adopted by the Board of Judges, General Court Regulation 87-1, effective April 6, 1987.

**Rule 312 Municipal Court Appeals—
Pleadings and Pretrial
Proceedings.**

- A) The plaintiff in the Municipal Court action shall within twenty (20) days after being notified of the appeal file with the Prothonotary's Office and serve upon all other counsel and unrepresented parties either a complaint in the form required for a civil action with a Notice to Defend or a copy of the Statement of Claim, Landlord/Tenant Complaint or Code Enforcement Complaint which was filed in Municipal Court with a Notice to Defend.
- (B) The defendant in the Municipal Court action shall file a pleading as allowed by Pa.R.C.P. 1017 with the Prothonotary within twenty days after being served with a copy of the pleading referred to in paragraph A and serve copies upon all other counsel and unrepresented parties. Thereafter, the case shall proceed in accordance with the Pennsylvania Rules of Civil Procedure.

Note: Adopted by the Board of Judges, General Court Regulation 87-1, effective April 6, 1987.

**Rule 313 Municipal Court Appeals—
Orders Granting or Denying
Petitions.**

- (A) An appeal to the Court of Common Pleas from an order of the Municipal Court granting or denying a petition to open a default judgment or any other post-judgment order which would have been appealable had it been entered by the Court of Common Pleas shall be filed within

thirty (30) days from the date of entry of the order.

- (B) The appellant shall pay the appropriate fee, docket with the Prothonotary, and file with the Motion Court Clerk:
- (1) a Notice of Appeal with a copy of the petition and the order,
 - (2) a copy of the Statement of Claim, the Landlord/Tenant Complaint or Code Enforcement Complaint which was filed in the Municipal Court,
 - (3) all other documents required to be filed by Philadelphia Civil Rule *206.1; and
 - (4) any stenographic record of the proceeding before the Municipal Court within thirty (30) days after it has been transcribed.
- (C) The appeal shall be limited to a determination by the Court whether the Municipal Court committed an error of law or abused its discretion in ruling upon the petition or motion which is the subject of the appeal.
- (D) Upon the filing of the order of the Court of Common Pleas, the action shall be remanded to the Municipal Court for further processing consistent with the order.

Note: Adopted by the Board of Judges, General Court Regulation 87-1, effective April 6, 1987. Amended by Administrative Docket 5 of 94, March 17, 1994.