

STANDING CASE MANAGEMENT ORDER RELATING TO
SERVICE OF PROCESS
IN THE PHILADELPHIA MUNICIPAL COURT

And now, to wit, this 28th day of November, 2001, pursuant to Rules 126 and 128 and Chapter 400 of the Pennsylvania Rules of Civil Procedure and Philadelphia Municipal Court Rule of Civil Procedure 111, it is hereby ORDERED and DECREED that service of original process shall be effectuated in the following manner, effective immediately:

(1) For purposes of this order, "writ server" is defined as "authorized writ server appointed by the President Judge of the Philadelphia Municipal Court."

(2) **Small Claims** (cases with "SC" in the caption): the plaintiff has the option of serving statements of claims either by writ servers or by any competent adult in the manner prescribed in Chapter 400 of the Pennsylvania Rules of Civil Procedure.

(3) **Landlord/Tenant Actions** (cases with "LT" in the caption): the plaintiff has the option of serving statements of claims either:

(A) by writ servers and first class mail. The court shall serve the complaint by mailing a copy of it to the defendant by first-class mail and by delivering a copy of it for service to a writ server. The writ server receiving the copy shall serve it by handing it to the defendant or to an adult person in charge for the time being of the premises possession of which is sought to be recovered or, if none of the above is found, by posting it conspicuously on those premises; or

(B) by any competent adult in the manner prescribed in Chapter 400 of the Pennsylvania Rules of Civil Procedure.

(4) **Code Enforcement Actions** (cases with "CE" in the caption): the plaintiff has the option of serving statements of claim either by writ servers or by any competent adult in the manner

prescribed in Chapter 400 of Pennsylvania Rules of Civil Procedure.

(5) **Out Of County Service:** the plaintiff has the option of serving statements of claims in counties outside Philadelphia through either of the following two procedures:

- (A) By writ servers or Pennsylvania constables in accordance with Municipal Court Rule 111(a). If a writ server or constable has returned the statement of claim without being able to serve same, the procedures relating to service by mail in Municipal Court Rule 111(c) shall govern; or
- (B) By sheriff in accordance with Chapter 400 of the Pennsylvania Rules of Civil Procedure.

(6) **Return Of Service:** All returns of service shall be on forms approved by the Philadelphia Municipal Court, except that returns of service by mail shall be by affidavit in accordance with Pennsylvania Rule of Civil Procedure 405, and sheriffs and constables may make returns of service upon the forms and in the manner customary in their locality.

(7) **Alternative service under Pennsylvania Rules of Civil Procedure:** If service is attempted unsuccessfully under Chapter 400 of the Pennsylvania Rules of Civil Procedure, Pennsylvania Rule of Civil Procedure 430 relating to service by publication or by special order of the court shall govern.

BY THE COURT:

BY THE COURT:

Honorable Louis J. Presenza
President Judge
Philadelphia Municipal Court

Honorable Seamus P. McCaffery
Administrative Judge
Philadelphia Municipal Court