

**Instructions for Emergency Motion to File
Late Appeal in Landlord/Tenant Cases**

1. Complete the EMERGENCY MOTION TO FILE LATE APPEAL.
2. If you do not have the money to pay for filing fees, complete the PETITION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS* (IFP). If the Judge grants this Petition, you will not have to pay any filing fees.
3. Take your forms to the Housing Court Help Desk. The Housing Court Clerk will schedule your Emergency Motion to File Late Appeal for hearing.
4. The Housing Court Cashier will docket, time stamp, and write the LT case number on your Emergency Motion.
5. Housing Court staff will make three copies of your Emergency Motion.
6. Regarding the Emergency Motion to File Late Appeal, YOU MUST DO the following:
 - a. Serve (deliver) 1 copy to the Magisterial District Judge.
 - b. Serve (deliver) 1 copy to the landlord.
 - c. Keep 1 copy for yourself.
 - d. Return the original to the Housing Court Clerk.
7. You must serve (deliver) your Landlord and the Magisterial District Judge who originally heard your case with a copy of the Emergency Motion as required by the Certificate of Service you filled out on the last page of your Emergency Motion.
8. You must appear on the date and time scheduled, as shown on the front page of your Emergency Motion, to present your Emergency Motion to the Housing Court Judge.
9. If the Judge delays your eviction, you must immediately deliver a copy of that Order to the Magisterial District Judge who originally heard your case. This is the only way to prevent your eviction. If you fail to deliver the Order to the Magisterial District Judge, the eviction may still proceed as originally scheduled.

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

Plaintiff(s)/Landlord

vs.

Defendant(s)/Tenants(s)

NOTICE OF PRESENTATION

Kindly take notice that the within **EMERGENCY MOTION TO FILE LATE APPEAL** shall be presented before the Civil Division Housing Court Judge via teleconference at 412-677-0647 and enter Conference ID: 363 415 845# on

_____ at

_____ p.m.

CIVIL DIVISION

Case No.

Type of Pleading

EMERGENCY MOTION TO FILE LATE APPEAL

Filed on behalf of:

(Name of the filing party)

___ Counsel of Record

___ Individual, if *Pro Se*

Name, Address, Telephone Number, and Email Address:

Attorney's State ID:

Attorney's Firm ID:

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

<hr/> <p>Plaintiff(s)/Landlord</p> <p>vs.</p> <hr/> <p>Defendant(s)/Tenants(s)</p>	<p>CIVIL DIVISION</p> <p>Case No. _____</p>
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EMERGENCY MOTION TO FILE LATE APPEAL

AND NOW comes the Movant, _____, and respectfully submits the within Emergency Motion as follows:

1. Defendant(s) is/are the tenant(s) of the subject property located at the following address:
Street: _____
City and Zip Code: _____
2. The above-listed property is the subject of a landlord/tenant action filed by plaintiff at a Magisterial District Judge's office. The tenant is requesting permission to file a late appeal from the judgment of the Magisterial District Judge.
3. An eviction of the tenant(s) is currently scheduled for _____
(Date and Time of Eviction)

4. Tenant(s) request permission to file a late appeal for the following reasons:

WHEREFORE, the tenant(s) ask this Honorable Court to enter an order permitting the filing of a late appeal in the above-captioned matter.

Respectfully Submitted,

Date

Signature

Print Name

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

<hr/> <p>Plaintiff(s)/Landlord</p> <p>vs.</p> <hr/> <p>Defendant(s)/Tenants(s)</p>	<p>CIVIL DIVISION</p> <p>Case No. _____</p>
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VERIFICATION

I, _____, certify that the facts contained in the foregoing Motion are true and correct to the best of my knowledge, information, and belief. I understand that false statements herein are subject to the penalties of 18 Pa.C.S. §4904 related to unsworn falsification to authorities.

Date

Signature

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

_____ Plaintiff(s)/Landlord	CIVIL DIVISION
vs.	Case No. _____
_____ Defendant(s)/Tenants(s)	

ORDER OF COURT

AND NOW, this _____ day of _____, 20____, it is hereby

ORDERED, ADJUDGED AND DECREED as follows:

1. Tenant’s Emergency Motion to File Late Appeal is DENIED as to possession. This Order does not affect tenant’s right to file a timely appeal as to money damages only.
2. Any prior stay of eviction issued by the Allegheny County Court of Common Pleas is hereby lifted and:

The eviction may proceed pursuant to the original Order of Possession issued by the Magisterial District Judge on the date listed on that Order of Possession. No additional service of the Order of Possession is required.

The eviction may proceed on _____ under the original Order of Possession issued by the Magisterial District Judge. No additional service of the Order of Possession is required. This Order hereby stays the eviction until that date.



BY THE COURT:

_____ J.

Confirmation of further Court orders are docketed and available for review on the website at <https://dcr.alleghenycounty.us/Civil>

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

<hr/> Plaintiff(s)/Landlord vs. <hr/> Defendant(s)/Tenants(s)	CIVIL DIVISION Case No. _____
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ORDER OF COURT

AND NOW, this _____ day of _____, 20____, it is hereby

ORDERED, ADJUDGED AND DECREED as follows:

1. Argument on tenant’s Emergency Motion to File Late Appeal is set for/postponed until _____ at _____, and eviction is stayed pending that Argument. The Argument shall be held before the Housing Court Judge, via teleconference at
2. Unless a supersedeas or a further stay of eviction is obtained after the Argument scheduled above:
 - a. The stay of eviction in Paragraph 1 shall automatically be lifted, and
 - b. The eviction may proceed pursuant to the original Order of Possession issued by the Magisterial District Judge on the date listed on that Order of Possession or on the day after the Argument date listed in Paragraph 1, whichever date is later. No additional service of the Order of Possession is required.

BY THE COURT:

_____ J.

Counsel for the Plaintiff(s):

Counsel for Defendant(s):

Confirmation of further Court Orders are docketed and available for review on the website at <https://dcr.alleghenycounty.us/Civil>.

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

_____ Plaintiff(s)/Landlord	CIVIL DIVISION
vs.	Case No. _____
_____ Defendant(s)/Tenants(s)	

ORDER OF COURT

AND NOW, this _____ day of _____, 20____, it is hereby ORDERED, ADJUDGED AND DECREED as follows:

1. Tenant’s Emergency Motion to File Late Appeal is GRANTED, as tenant has demonstrated good cause.
2. Tenant has until the close of business on _____ to file the late appeal and obtain a supersedeas in accordance with Pa.R.C.P.M.D.J. No. 1008.
3. If tenant fails to obtain a supersedeas from the Department of Court Records by the close of business on the date listed above in Paragraph 2:

The eviction may proceed on _____ using the original Order of Possession issued by the Magisterial District Judge. No additional service of the Order of Possession is required.

4. This Order hereby stays the eviction until the date listed in Paragraph 3 above.

BY THE COURT:

_____ J.

Counsel for the Plaintiff(s):

Counsel for Defendant(s):

Confirmation of further Court Orders are docketed and available for review on the website at https://dcr.alleghenycounty.us/Civil .
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IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

_____ Plaintiff/Landlord	CIVIL DIVISION
vs.	Case No. _____
_____ Defendant(s)/Tenants(s)	

ORDER OF COURT

AND NOW, this _____ day of _____, 20____, it is

ORDERED that:

BY THE COURT:

_____ J.

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

_____ Plaintiff(s)/Landlord vs. _____ Defendant(s)/Tenants(s)	CIVIL DIVISION Case No. _____
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CERTIFICATE OF SERVICE

I hereby certify that I will serve a true and correct copy of this Emergency Motion **today** upon the Magisterial District Judge and the landlord in the following manner: (*Check the appropriate box.*) ***If the opposing side is represented by an attorney, the attorney should be served.***

_____ First Class Mail _____ Facsimile #: _____ _____ Hand-Delivered _____ Email Address	_____ First Class Mail _____ Facsimile #: _____ _____ Hand-Delivered
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Landlord/Landlord's Counsel: Name: _____ Address: _____ _____ _____ Email Address: _____ Telephone: _____	Magisterial District Judge: Name: _____ Address: _____ _____ _____ Telephone: _____
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_____ <i>Date</i>	_____ <i>Signature</i>
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CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that requires filing confidential information and documents differently than non-confidential information and documents.

Submitted by: _____

Signature: _____

Print Name: _____

Attorney No. (if applicable): _____