

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

LEA AUGUSTIN, GERARD AUGUSTIN, THOMAS MCSORLEY, DONNA MCSORLEY RICHMOND WATERFRONT INDUSTRIAL PARK, LLC
Plaintiffs
vs.
CITY OF PHILADELPHIA
Defendant
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: CIVIL ACTION
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: NO. 14-CV-4238
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ORDER

AND NOW, this 4th day of January, 2017, upon consideration of Plaintiffs' Motion for Final Declaratory and Final and Interim Injunctive Relief (Doc. No. 66), it is hereby ORDERED that the Motion is GRANTED as follows:

1. Defendant City of Philadelphia and its wholly-owned gas utility, PGW, are hereby PERMANENTLY ENJOINED from filing any liens on real property to enforce unpaid charges for natural gas service, where such service, according to PGW's records, was provided to a residential or commercial customer other than the owner of the property targeted for the lien using its current methods and procedures for doing so. Such liening activity may resume if Defendant, in accordance with the U.S. Constitution and by and/or through ordinance or regulation, provides property owners with (a) meaningful notice of the facts underlying the

decision to impose a lien which is (b) delivered at a sufficiently early time as to enable the property owner to resolve the problem before the account delinquency grows unnecessarily, and (c) provides the property owner with an administrative opportunity to obtain all relevant facts and have all factual disputes resolved before the lien is imposed.

2. Any existing gas liens currently of record which were imposed on properties for unpaid gas charges incurred by a class member's tenant (hereafter "Covered Liens") are declared invalid, null, and void.

3. Defendant City of Philadelphia and its wholly-owned gas utility, PGW, are DIRECTED to take all steps necessary to vacate (a) all Covered Liens related to commercial gas accounts and (b) all Covered Liens related to residential accounts on properties that, at any time from 2009 to the present were listed in the database of the City of Philadelphia's Department of Licenses and Inspections as having a then-active rental license.

4. Defendant City of Philadelphia and its wholly-owned gas utility, PGW, are PERMANENTLY ENJOINED from collecting or attempting to collect Covered Liens, including through the communication of any payoff demand to a settlement or title agent related to a Covered Lien at the time a property is being sold or refinanced.

5. Defendant City of Philadelphia and its wholly-owned gas utility, PGW are DIRECTED to refund all monies that were

collected on account of Covered Liens subsequent to this Court's
Order of May 4, 2016.

BY THE COURT:

s/J. Curtis Joyner
J. CURTIS JOYNER, J.