

Plaintiff Germantown Cab Company's taxicab G91 and Plaintiff Rosemont Taxicab Co., Inc.'s taxicab R34; and Plaintiffs' claims for punitive damages.

2. The Motion for Summary Judgment as to Liability of Plaintiffs Germantown Cab Company and Rosemont Taxicab Co., Inc. (Docket No. 33) is **GRANTED IN PART** as to Count I (alleging violations of the Fourth Amendment under 42 U.S.C. § 1983 and Article 1, Section 8 of the Pennsylvania Constitution), Count II (alleging violations of the Fourteenth Amendment and Article 1, Section 1 of the Pennsylvania Constitution) and Count III (declaratory relief). The Motion is **DENIED** to the extent it seeks summary judgment based upon Defendant The Philadelphia Parking Authority's seizure of Plaintiff Germantown Cab Company's taxicab G91 and Plaintiff Rosemont Taxicab Co., Inc.'s taxicab R34.

Judgment on liability is **ENTERED** in favor of Plaintiffs Germantown Cab Company and Rosemont Taxicab Co., Inc. and against Defendant The Philadelphia Parking Authority on Counts I, II and III of Plaintiffs' Complaint, with the exception of any claim based upon Defendant The Philadelphia Parking Authority's seizure of Plaintiff Germantown Cab Company's taxicab G91 and Plaintiff Rosemont Taxicab Co., Inc.'s taxicab R34.

3. The Court **DECLARES** that the 53 Pa. Cons. Stat. § 5714 and 52 Pa. Code §§ 1017.51 and 1017.52, are unconstitutional as applied by Defendant The Philadelphia Parking Authority to conduct warrantless seizures of Plaintiffs' non-medallion taxicabs that are operated pursuant to a certificate of public convenience issued by the Pennsylvania Public Utilities Commission for violation of Defendant's regulations.

4. Defendant The Philadelphia Parking Authority is **PERMANENTLY ENJOINED** from conducting warrantless seizures of Plaintiffs' non-medallion taxicabs that are operated pursuant to a certificate of public convenience issued by the Pennsylvania Public Utilities Commission for

violation of Defendant's regulations unless justified by a judicially recognized exception to the warrant requirement.

5. Plaintiffs' damages against Defendant The Philadelphia Parking Authority shall be tried to a jury. The Court will enter a separate scheduling Order.

BY THE COURT:

/s/ John R. Padova

John R. Padova, J.