IN THE COMMONWEALTH COURT OF PENNSYLVANIA

East Allegheny School District	:	
	:	
v.	:	No. 1288 C.D. 2009
	:	
Kash Snyder, Mark Snyder, Shanni Snyder, and Scott Snyder,	:	Submitted: July 16, 2010
	:	
	:	
Appellants	:	

BEFORE: HONORABLE RENÉE COHN JUBELIRER, Judge
HONORABLE P. KEVIN BROBSON, Judge
HONORABLE ROCHELLE S. FRIEDMAN, Senior Judge

OPINION NOT REPORTED

MEMORANDUM OPINION
BY JUDGE COHN JUBELIRER **FILED: November 5, 2010**

Kash Snyder, Mark Snyder, Shanni Snyder, and Scott Snyder, all proceeding pro se (collectively, Taxpayers), appeal from the non-jury verdict entered by the Court of Common Pleas of Allegheny County (trial court), docketed on May 29, 2009, that awarded $15,721.43 plus costs to East Allegheny School District (the District) for delinquent taxes, and the June 25, 2009, judgment entered on that non-jury verdict. On appeal, Taxpayers argue that the trial court erred in entering judgment without ruling on the merits of Taxpayers' allegations that they were never properly served and where the trial court lacked jurisdiction.[1] We vacate and remand.

[1] The brief filed by Taxpayers indicates that it was filed only on behalf of Shanni Snyder, Mark Snyder, and Scott Snyder.

I. Facts and Procedural Posture

A. Original Complaint and Original Objections

Preliminarily, we note that the procedural history in this matter is troublesome and convoluted. Furthermore, the certified and reproduced records are riddled with irregularities that make it difficult for this Court to determine the accuracy of some of the documents.[2] Nevertheless, we will strive to review this matter as the parties have presented it to this Court.

On January 20, 2009, the District filed a Complaint in Civil Action (Original Complaint) seeking recovery of delinquent real estate taxes. The Original Complaint named Taxpayers, as well as minors Carson Snyder and Matthew Snyder (collectively, Defendants). At the time the District filed the Original Complaint, records kept by the Allegheny County Real Estate Assessment Office indicated that Defendants lived at 98 Arlene Drive, North Versailles, Allegheny County (the Property).

On January 29, 2009, an Allegheny County Sheriff's Deputy served the Original Complaint on George Snyder while he was at the Property. George Snyder, who is not a defendant in this case, is Taxpayers' father.[3] The Original Complaint in

[2] The certified record filed with this Court contains records that are out of numerical order. The certified record starts with Item 23 and follows with unnumbered Items, Item 19, Item 22, the table of contents (docket entries with numbers beside them), and then proceeds to go numerically, minus the above-mentioned Items beginning with Item 1, the Original Complaint. Moreover, certain documents contained in the reproduced and certified records are inconsistent with each other, particularly with respect to the dates stamped on the documents.

[3] George Snyder is the grandfather of Carson Snyder and Matthew Snyder.

the certified record indicates that a hearing was to occur on March 30, 2009; this date is also reflected in the trial court's docket. (Original Complaint, January 20, 2009, Item 1; Civil/Family Division Docket Report at 4-5, R.R. at 4-5.) However, the copy of the Original Complaint contained in the reproduced record, which Taxpayers argue is the version they received, provides no hearing date for the arbitration on the merits of that Complaint. (Original Complaint, January 20, 2009, R.R. at 6.) On March 2, 2009, the Defendants filed Preliminary Objections to the Original Complaint (Original Objections), alleging that service of the Original Complaint was improper, as none of the Defendants resided at the Property, and that Matthew Snyder and Carson Snyder were improperly named in the Complaint, as they were minors (Minor Defendants), and the trial court had not appointed a guardian *ad litem*. Kash Snyder signed the Original Objections both on his own behalf and as "guardian ad litem to Carson Snyder." (Original Objections at 4, March 2, 2009, R.R. at 14.) Shanni Snyder signed the Original Objections on her own behalf and as "guardian ad litem for Matthew Snyder." (Original Objections, March 2, 2009, R.R. at 14.) The Original Objections also requested a more definite statement as to the amount owed, and how that amount was calculated. The trial court scheduled an argument on the Original Objections for May 8, 2009; however, the trial court did not hold argument on the Original Objections.

B. Amended Complaint and Amended Objections

On March 27, 2009, the District responded to the Original Objections by filing an Amended Complaint, which removed the Minor Defendants and provided a more

detailed description of how the delinquent amount was calculated.[4] The averments in the Amended Complaint indicate that two of the Taxpayers, Scott and Shanni Snyder, did not reside at the Property, and that a third Taxpayer, Mark Snyder, resided either at the Property or at Scott Snyder's residence. The Amended Complaint averred that Kash Snyder resided at the Property. The District ordered the Allegheny County Sheriff's Department to personally serve the Amended Complaint on Taxpayers. Despite using internet skip-tracing searches, the Westmoreland County Sheriff's Department, deputized by the Allegheny County Sheriff's Department, was unable to serve Mark Snyder, Scott Snyder, or Kash Snyder (Unserved Defendants). Shanni Snyder received personal service on April 21, 2009. In an effort to reach the Unserved Defendants, the District mailed copies of the Amended Complaint to the Property on May 7, 2009. The Amended Complaint contained in the certified record, which is consistent with the trial court's docket, indicates that an arbitration hearing was scheduled for May 28, 2009. (Amended Complaint, March 27, 2009, Item 10; Civil/Family Division Docket Report at 4-5, R.R. at 4-5.) However, the copy of the Amended Complaint in the reproduced record, which Taxpayers argue is the version of the Amended Complaint that they received, does not include a date for the arbitration hearing on the merits of the Amended Complaint. (Amended Complaint, March 27, 2009, R.R. at 17.)

On May 26, 2009, two days before the date of the arbitration hearing scheduled to hear the merits of the Amended Complaint, Shanni Snyder filed Preliminary Objections in response to the Amended Complaint (Amended Objections). The

[4] The March 30, 2009, arbitration hearing on the Original Complaint was never held, presumably because the District filed the Amended Complaint.

Amended Objections appeared to concede that Shanni Snyder was personally served with the Amended Complaint, but alleged that by failing to proceed against the Unserved Defendants and Minor Defendants, the District had failed to include indispensable parties and, accordingly, the action could not be pursued against Shanni Snyder. A hearing was scheduled to decide the Amended Objections on June 26, 2009, almost one month after the arbitration hearing was scheduled to occur on the merits of the Amended Complaint.

On May 28, 2009, the day of the arbitration hearing scheduled to hear the merits of the Amended Complaint, Shanni Snyder requested that the hearing be continued, as she was in another court on another matter. The request was denied and, pursuant to Allegheny County Civil Local Rule 1303(a)(2), the matter was immediately transferred to the trial court for a non-jury, ex-parte hearing on the merits.[5] None of the Taxpayers were present. A verdict was entered against Taxpayers on that day, and docketed on May 29, 2009. Judgment was entered on that verdict on June 25, 2009, the day before the hearing that had been scheduled on the Amended Objections. Taxpayers did not appear at the June 26, 2009, hearing on the Amended Objections, and the Amended Objections were dismissed on the grounds that a verdict had already been entered and, allegedly, because Taxpayers failed to appear.[6]

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[5] Allegheny County Civil Local Rule 1303(a)(2) is consistent with Pennsylvania Rule of Civil Procedure (Pa. R.C.P.) No. 1303(a)(2), which permits local rules to warn parties that if a party is not present at an arbitration hearing, the matter may be heard at the same time and date before a judge of the court without the absent party.

[6] This ruling, dated June 27, 2009, was hand-written on the cover page of the Amended Objections and initialed, presumably, by the judge. The cover page with the ruling is not contained

(Continued…)

C. Trial Court Decision

Taxpayers filed a notice of appeal to this Court, and the trial court directed Taxpayers to issue a Statement of Matters Complained On Appeal. Taxpayers did so arguing, in relevant part, that the trial court erred in granting default judgment because: (1) the trial court lacked jurisdiction where there was improper service of both the Original Complaint and the Amended Complaint; (2) the Amended Complaint did not name the Minor Defendants, who were indispensable parties; and (3) Taxpayers did not receive proper notice of the May 28, 2009, arbitration hearing. The trial court issued an opinion in support of its orders on March 16, 2010. In its opinion, the trial court found that service of the Original Complaint on George Snyder at the Property was proper because service occurred at the Property, which was the subject of the Complaint. The trial court also concluded that Taxpayers' actual participation in the legal proceedings, i.e., the filing of the Original Objections, waived any irregularities in the notice and service procedures. Reid v. Clendenning, 193 Pa. 406, 44 A. 500 (1899). Relying on Pennsylvania Rule of Civil Procedure (Pa. R.C.P.) No. 2252(a), the trial court held that Shanni Snyder was permitted to join the Unserved Defendants as they may have been, *inter alia*, jointly or severally liable with her on the District's cause of action. Moreover, the trial court reasoned that Shanni Snyder, likewise, could have joined the Minor Defendants as indispensible parties and the trial court would have appointed guardians pursuant to Pa. R.C.P. No. 2031(b). Finally, the trial court deemed the Amended Objections untimely per Pa. R.C.P. No. 1026, which requires that "every pleading subsequent to the complaint . . . be filed within twenty days after service of the preceding pleading," as they were

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in the reproduced record, but is only in the certified record. (Amended Complaint Cover Page, Items 15 and 20, R.R. at 28.)

filed on May 26, 2009, more than twenty days after the service of the Amended Complaint on Shanni Snyder on April 21, 2009. The trial court, therefore, struck the Amended Objections.

II. Discussion

A. Jurisdiction

On appeal,[7] Taxpayers again argue that the trial court lacked jurisdiction to enter a judgment against them because the Original Complaint was improperly served, and the Amended Complaint was not served on all of the Defendants and did not include the Minor Defendants, who are indispensible parties. Taxpayers also assert that the trial court erred in holding that the Unserved Defendants waived any challenge to the trial court's jurisdiction by participating in the proceedings against them. For the following reasons, we conclude that the trial court did have jurisdiction.

1. Did the Unserved Defendants waive their objections to the trial court's jurisdiction based on their "participation" in the matter?

We first address Taxpayers' argument that the trial court erred in holding that the Unserved Defendants waived any challenge to the trial court's jurisdiction by participating in the proceedings, presumably by filing the Original Objections. Although the trial court is correct that participating in the proceedings may result in the waiver of objections to a trial court's jurisdiction, that participation must be on

[7] The question of jurisdiction is a pure question of law, as to which appellate courts may exercise plenary review. MCI WorldCom, Inc. v. Pennsylvania Public Utility Commission, 577 Pa. 294, 305 n.3, 844 A.2d 1239, 1245 n.3 (2004). Questions of law are subject to a de novo standard of review. Kripp v. Kripp, 578 Pa. 82, 91 n.5, 849 A.2d 1159, 1164 n.5 (2004).

the merits. See Demetriou v. Carlin, 408 A.2d 565, 568 (Pa. Cmwlth. 1979) (stating that the Commonwealth waived a jurisdictional defect by appearing before a court of common pleas and asserting the defense of sovereign immunity, rather than objecting to jurisdiction preliminarily, thereby subjecting itself to the jurisdiction of the court); Ball v. Barber, 621 A.2d 156, 158 (Pa. Super. 1993) (holding that once a party takes action on the merits of a case, he waives his right to object to defective service of process). Here, the Unserved Defendants did not participate in the merits of the proceedings by filing the Original Objections; rather, they filed preliminary objections, which is the exclusive manner in which one challenges the jurisdiction of a tribunal. Pa. R.C.P. No. 1028(a)(1); Ball, 621 A.2d at 158. Accordingly, we reject the trial court's determination that the filing of the Original Objections challenging the trial court's jurisdiction results in the waiver of any challenge to the irregularities in the notice and service procedures.

2. Does the trial court have jurisdiction based on the Original Complaint?

Next, we consider whether the Original Complaint was properly served so as to give the trial court jurisdiction. Taxpayers argue that the Original Complaint was not properly served because it was not personally served on Taxpayers but, instead, was served on George Snyder, Taxpayers' father, at the Property where none of them reside. They argue that, pursuant to Pa. R.C.P. No. 402, if the Sheriff served the Original Complaint on a family member, service had to occur where Taxpayers reside, and none of them reside with their father at the Property. The District does not appear to dispute that Taxpayers do not reside at the Property, but argues that service on Taxpayers' father at the Property, subject to the tax delinquency, was proper as there was a sufficient connection between Taxpayers' father and Taxpayers

such that "service was reasonably calculated to give [Taxpayers] notice of the action against [them]." (The District's Br. at 7 (quoting Cintas Corporation v. Lee's Cleaning Services, Inc., 549 Pa. 84, 96, 700 A.2d 915, 920 (1997).) We agree with Taxpayers.

The rules governing service must be strictly complied with as service of process is the mechanism by which a court obtains jurisdiction over a defendant. Cintas, 549 Pa. at 91, 700 A.2d at 917. A defect in service is not a harmless procedural error, but goes to the court's jurisdiction over the party in question. Id. at 91, 700 A.2d at 918. Absent proper service, the court has no personal jurisdiction, and may not enter an order disposing of that party's rights.[8] Id. at 91, 700 A.2d at 917-18. Pa. R.C.P. No. 402 governs the manner of service for original process and, in pertinent part, states:

> (a) Original process may be served
>
> (1) by handing a copy to the defendant; or
>
> (2) **by handing a copy**
>
> (i) **at the residence of the defendant to an adult member of the family with whom he resides**; but if no adult member of the family is found, then to an adult person in charge of such residence; or

[8] We note that "[w]here service of process is defective, the remedy is to set aside the service." City of Philadelphia v. Berman, 863 A.2d 156, 160 (Pa. Cmwlth. 2004). However, "the action remains open. . . and the court must allow the plaintiff to attempt to make proper service of process on the defendant which would properly vest jurisdiction in the court." Id.

> (ii) at the residence of the defendant to the clerk or manager of the hotel, inn, apartment house, boarding house or other place of lodging at which he resides; or
>
> (iii) at any office or usual place of business of the defendant to his agent or to the person for the time being in charge thereof.

Pa. R.C.P. No. 402(a) (emphasis added). Simply put, pursuant to Rule 402(a), if original process is given to an adult relative of the defendant, service must be made **at the defendant's residence**.[9] Although this Court has not directly addressed this situation, the Superior Court has. In Keller v. LaBarre, 311 A.2d 683, 685 (Pa. Super. 1973), the Superior Court held that service of original process on a defendant's mother was ineffective because the defendant no longer resided with the mother at the property.[10] The Superior Court's holding is consistent with the plain language of Rule 402(a).

Here, although service was made on an adult relative, Taxpayers' father, that service took place at the Property and not at any of Taxpayers' residences. Moreover, the Property was not an inn, hotel, apartment, boarding house, other place of lodging, an office, or usual place of business of Taxpayers at which their father would be their "agent" or "person for the time being in charge thereof." Pa. R.C.P. No. 402(a). Accordingly, we agree with Taxpayers that the service of the Original Complaint was not properly effectuated under Section 402(a).

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[9] This is not to say that service of original process may not be made on a defendant's relative if that relative is also the agent or the person in charge of the defendant's office or usual place of business.

[10] Keller was decided using the prior rule governing service, Pa. R.C.P. No. 1009(b), which was rescinded effective January 1, 1986, and recodified at Pa. R.C.P. No. 402.

To the extent that the District relies on Cintas for the proposition that service on Taxpayers' father was valid because there was a sufficient connection between the father and Taxpayers so as to demonstrate that service was reasonably calculated to give Taxpayers notice of the action against them, we disagree. Cintas involved service of original process on a corporation pursuant to Pa. R.C.P. No. 424, which sets forth the methods of effectuating service on a corporation. Cintas, 549 Pa. at 92, 700 A.2d at 918. One such way is to hand a copy of the process to the manager, clerk, or other person for the time being in charge of any regular place of business. Id. Our Supreme Court held that service was proper in Cintas because the party challenging service submitted an affidavit that admitted that the person served "identified herself as the person in charge of the business at th[at] . . . address" and, therefore, the service satisfied the requirements of Pa. R.C.P. No. 424. Cintas, 549 Pa. at 96, 700 A.2d at 920.

Although the District is correct that there may have been a sufficient connection between Taxpayers' and their father, we conclude that the "sufficient connection" language relied upon by the District is not a "catch all" category that would validate an otherwise invalid service. Indeed, the "sufficient connection" language is used when determining whether the person served was the "person for the time being in charge" either of the residence or of the office or usual place of business of the defendant. See Cintas, 549 Pa. at 95-96, 700 A.2d at 919-20 (discussing cases interpreting the "person for the time being in charge" language in Pa. R.C.P. No. 424); Simmons v. Delaware County Tax Claim Bureau, 796 A.2d 400, 404-05 (Pa. Cmwlth. 2002) (holding that service on the defendant's separated wife at the defendant's residence was sufficient under Pa. R.C.P. No. 402(a) and Cintas

because the service at the defendant's residence was reasonably calculated to give the defendant notice, service was made at the defendant's correct address, and there was sufficient connection between the wife and the defendant such that the wife was "an adult person in charge" of the defendant's residence). Here, as indicated above, the Property was not a residence, an office, or usual business place at which Taxpayers' father could be the "person for the time being in charge." Accordingly, we reject the District's assertion that service was proper because there was a sufficient connection between Taxpayers and their father.

3. Does the trial court have jurisdiction based on the Amended Complaint?

However, this does not mean that the trial court does not have jurisdiction because the District also personally served the Amended Complaint on Shanni Snyder, a fact Shanni Snyder does not dispute. (Taxpayers' Br. at 5.) Taxpayers assert that the service of the Amended Complaint on Shanni Snyder did not provide the trial court with jurisdiction because the Amended Complaint was not properly served on the Unserved Defendants and did not include the Minor Defendants. According to Taxpayers, these individuals are indispensible parties and, therefore, the failure to include them or serve them precludes the trial court from having jurisdiction.[11] We disagree.

[11] The allegations regarding the failure to join the Minor Defendants and failure to proceed against the Unserved Defendants were included in the Amended Objections. (Amended Objections ¶¶ 1, 3, R.R. at 30-31.) The trial court struck the Amended Objections because they were filed more than twenty days after service of the Amended Complaint on Shanni Snyder and, therefore, were untimely pursuant to Pa. R.C.P. No. 1026. We note, however, that the failure to join necessary parties is a non-waivable defense. Pa. R.C.P. No. 1032(a).

The failure to join an indispensible party to a lawsuit deprives a court of jurisdiction. O'Hare v. County of Northampton, 782 A.2d 7, 13 (Pa. Cmwlth. 2001). If an indispensible party is not joined and made a party to the action, a trial court is powerless to grant relief. Sprague v. Casey, 520 Pa. 38, 48, 550 A.2d 184, 189 (1988). Our Supreme Court, in Minner v. City of Pittsburgh, 363 Pa. 199, 204-05, 69 A.2d 384, 387 (1949), held that where the liability arises out of joint ownership, all the owners are indispensible parties. However, the Supreme Court in Minner also held that the obligation to include indispensible parties stops once parties have been joined, and an action may proceed to trial against any of the served defendants, even if an indispensible party was joined, but not served. Id. Thus, pursuant to Minner, by naming the Unserved Defendants in the Amended Complaint and by attempting to serve them, the District fully satisfied its obligation to join those indispensible parties. Likewise, by naming Taxpayers in the Amended Complaint and attempting to serve them, and successfully serving Shanni Snyder, the District satisfied its obligation with regard to those parties. Accordingly, we conclude that the trial court was not divested of jurisdiction based on the District's failure to properly serve the Amended Complaint on the Unserved Defendants.

Moreover, we reject Taxpayers' contention that the failure to include the Minor Defendants in the Amended Complaint divests the trial court of jurisdiction. It is apparent that the only reason the District removed the Minor Defendants from this matter in the first place was Taxpayers' preliminary objection to their inclusion set forth in the Original Objections. In an effort to resolve this objection, the District removed the Minor Defendants as parties in the Amended Complaint, which led to the present objection. We note that, pursuant to Pa. R.C.P. No. 2028(c), "[a]n action

in which a minor is the defendant shall be commenced against the minor by name in the manner in which a like action is commenced against an adult." The note to Pa. R.C.P. No. 2028(c) states "[a]n action against a minor is begun in the same manner as an action against an adult, although by Rule 2034, . . . the **subsequent** appointment of a guardian to represent the minor is essential to the rendition of a valid judgment against the minor." (Emphasis added.) Consequently, the District properly named the Minor Defendants in the Original Complaint, despite not having a guardian appointed **prior** to commencement of the action. Pa. R.C.P. No. 2232(c) provides, in relevant part, that "[a]t any stage of an action, the court may order the joinder of any additional person who could have joined or who could have been joined in the action and may stay all proceedings until such person has been joined," which includes at the appellate stage of a proceeding. In Borough of Wilkinsburg v. Horner, 490 A.2d 964, 965-66 (Pa. Cmwlth. 1985), this Court reversed a trial court's grant of preliminary injunction on the grounds that the plaintiff failed to join an indispensible party and remanded the matter for the joinder of that party pursuant to Pa. R.C.P. No. 2232(c) and a rehearing on the merits. Thus, to the extent that the Minor Defendants were not joined as parties in the Amended Complaint as a response to Taxpayers' improper objection, the trial court shall order the District to "re-join" them and direct the District to amend the Amended Complaint to reflect the addition of the Minor Defendants. For the foregoing reasons, we conclude that the trial court had jurisdiction over this matter.

B. Non-jury Verdict and Judgment

Taxpayers next assert that the entry of the non-jury verdict and judgment against them was improper because neither Shanni Snyder nor the Unserved

Defendants received thirty days written notice of the May 28, 2009, arbitration hearing as required by Pa. R.C.P. No. 1303(a)(1). Taxpayers argue that the Amended Complaint, the version of which is found in the reproduced record, did not advise them of the arbitration hearing date and, therefore, the non-jury trial judgment entered against them was improper. For its part, the District does not argue that the Amended Complaint contained the arbitration hearing date on the merits of the Amended Complaint; rather, it asserts that the date was on the Original Complaint and, therefore, Taxpayers had the required notice of the May 28, 2009, arbitration hearing. We agree with Taxpayers.

Pa. R.C.P. No. 1303(a)(1) provides that "[t]he procedure for fixing the date, time and place of hearing before a board of arbitrators shall be prescribed by local rule, provided that not less than thirty days' notice in writing shall be given to the parties or their attorneys of record." We reject the District's assertions that Taxpayers had proper notice of the May 28, 2009, arbitration hearing because that date was contained in the Original Complaint. First, as discussed above, the Original Complaint was not properly served on any of the parties in this matter and, therefore, cannot be the basis of providing notice of the arbitration hearing. Second, a review of the reproduced record reveals that the copy of the Original Complaint included therein contains no date for the arbitration hearing, (Complaint at 1, R.R. at 7), and, although the copy of the Original Complaint found in the certified record provides a date for the arbitration hearing, that date is March 30, 2009, (Notice to Defend/Complaint at 1, Item No. 1). Moreover, any notice contained in the Original Complaint was a notice for a hearing on the merits of the **Original Complaint**, not on the merits of the Amended Complaint. Finally, as noted by Taxpayers in their

brief and implicitly conceded by the District in its brief by its assertion that the hearing date could be found in the Original Complaint, the Amended Complaint served on Shanni Snyder, which is found in the reproduced record, provided no date for an arbitration hearing. (Amended Complaint at 1, R.R. at 17.) Given the lack of evidence, we cannot say that Taxpayers ever received proper notice of the arbitration hearing on the merits of the Amended Complaint. Accordingly, we conclude that Taxpayers did not have the required thirty-day notice of the May 28, 2009, arbitration hearing.

Due process in arbitration proceedings requires notice and an opportunity to be heard and to defend. Allstate Insurance Company v. Fioravanti, 451 Pa. 108, 113, 299 A.2d 585, 588 (1973). "It is a commonplace that adjudicatory action cannot validly be taken by any tribunal . . . except upon a hearing, wherein each party shall have the opportunity to know of the claims of his opponent . . . ." Id. at 113, 299 A.2d at 588. Where a party is not provided the notice required by Pa. R.C.P. No. 1303, the trial court should not proceed to grant a nonsuit or judgment *non pros* for the failure to appear at an arbitration hearing. Robert Half International, Inc. v. Marlton Technologies, Inc., 902 A.2d 519, 528-29 (Pa. Super. 2006). Here, because Taxpayers did not receive the thirty-day notice required by Pa. R.C.P. No. 1303(a)(1), and, in fact, did not receive any notice of an arbitration hearing on the Amended Complaint, the trial court should not have proceeded to grant judgment in the District's favor based on Taxpayers' failure to appear at the arbitration hearing. Allstate Insurance, 451 Pa. at 113, 299 A.2d at 588; Robert Half International, 902 A.2d at 528-29. Thus, we vacate the trial court's order entering a non-jury verdict in

the District's favor and the trial court's June 25, 2009, judgment entered on that non-jury verdict.

Accordingly, we hold that the trial court has jurisdiction over Taxpayers and the Minor Defendants and that the trial court's entry of judgment against Shanni Snyder was improper and is hereby vacated. The matter is remanded for: the joinder of the Minor Defendants to the Amended Complaint and the amendment of the Amended Complaint to reflect the addition of the Minor Defendants; and, after the Minor Defendants have been joined,[12] an arbitration hearing on the merits, thirty-days notice of which shall be served in accordance with the Rules of Civil Procedure on Kash Snyder, Scott Snyder, Shanni Snyder, Mark Snyder, Matthew Snyder, and Carson Snyder.

RENÉE COHN JUBELIRER, Judge

[12] We note that Shanni Snyder and Kash Snyder have already represented the Minor Defendants as guardians *ad litem*. Should the need arise for the appointment of different guardians, we, as the trial court did in its opinion, point out the availability of the relief set forth in Pa. R.C.P. No. 2031(b).

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

East Allegheny School District	:	
	:	
v.	:	No. 1288 C.D. 2009
	:	
Kash Snyder, Mark Snyder, Shanni Snyder, and Scott Snyder,	:	
	:	
Appellants	:	

O R D E R

NOW, November 5, 2010, the orders of the Court of Common Pleas of Allegheny County entering a non-jury verdict and a judgment in the amount of $15,721.43 plus costs against Kash Snyder, Mark Snyder, Shanni Snyder, and Scott Snyder (Taxpayers) and in favor of East Allegheny School District is hereby **VACATED**. The matter is **REMANDED** for the trial court to order the following:

1. The joinder of Matthew Snyder and Carson Snyder (Minor Defendants) to the Amended Complaint, and the amendment of the Amended Complaint to reflect the addition of the Minor Defendants;

2. After the joinder of the Minor Defendants, the holding of an arbitration hearing on the merits of the Amended Complaint, thirty-days notice of which shall be served in accordance with the Rules of Civil Procedure on Taxpayers and Minor Defendants.

Jurisdiction relinquished.

RENÉE COHN JUBELIRER, Judge