CCAP Amicus Matters and County Case Law Update



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Overview

1. Sovereign Immunity and Damages Caps
2. Civil Rights: PLRA 3-Strikes Rule
3. Employee Speech
4. Sheriff 287(g) Agreements
5. Authority of Row Officers
6. Elections and Right-to-Know

Immunity, Civil Rights, and Employee Speech

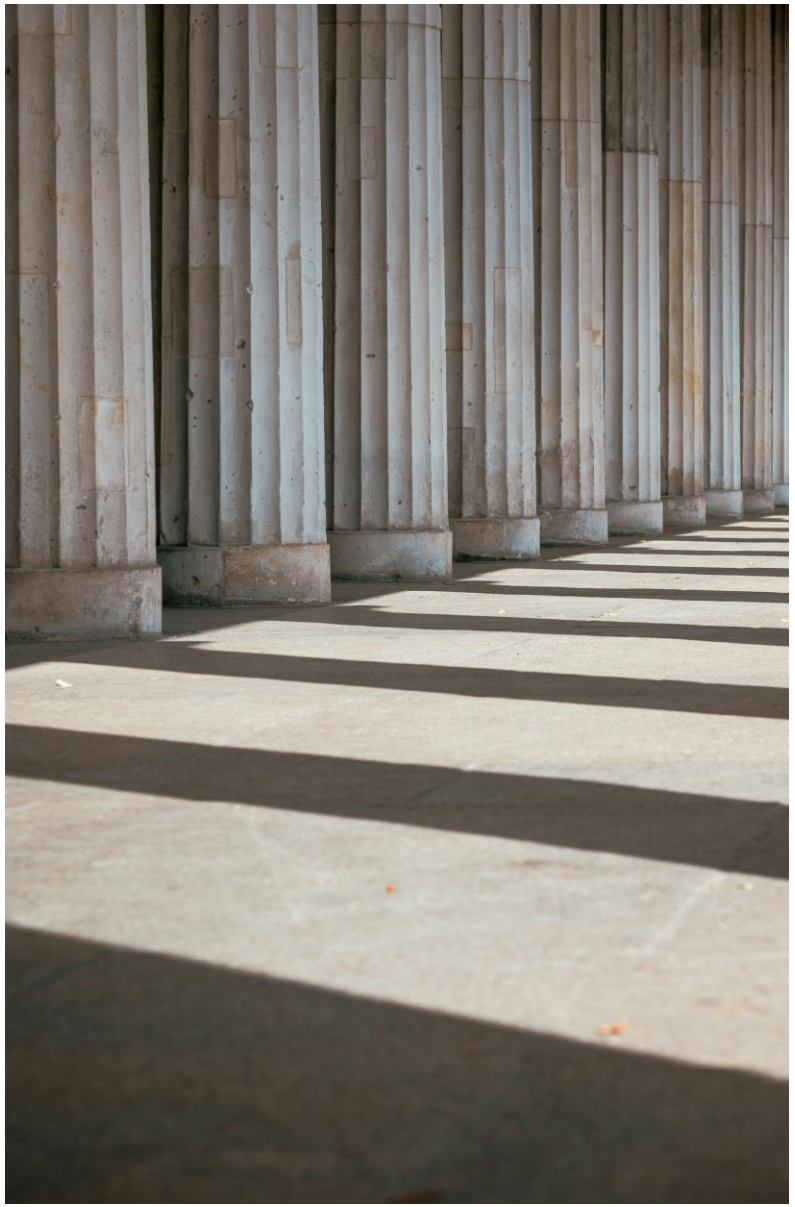
Freilich v. SEPTA: Background

Issue: Do the statutory damages caps on Commonwealth agencies and political subdivisions violate Pennsylvania Constitution by denying individuals the right to a remedy or to a jury trial?

Facts and caps:

- Plaintiff's foot was amputated after a SEPTA bus, making an improper turn, ran over it
- The bus driver immediately admitted responsibility
- Caps: $250,000 (Commonwealth and its agencies) and $500,000 (political subdivisions)
- Caps were enacted in 1978 and 1980





Freilich v. SEPTA: The Decision

Plaintiff argued that her trial-preparation costs, medical costs, and liens far exceeded the $250,000 cap, depriving her of a jury trial.

Outcome:

- October 1, 2026: Pennsylvania Supreme Court upheld the statutory recovery caps
- Caps remain in force for the Commonwealth, its agencies, and political subdivisions
- CCAP participated as amicus counsel

L.F.V. v. School District of Philadelphia

Issue: Does the sexual abuse exception to the Political Subdivision Tort Claims Act pierce immunity when a non-employee third party commits the abuse?

Status and stakes:

- Commonwealth Court: exception can apply where an agency negligently enabled a third party
- Trial courts were evenly split; ruling would reach county detention centers
- CCAP amicus brief filed February 20, 2026, supporting the School District
- Oral argument held September 15, 2026; decision pending



Commonwealth v. Coyne (Lackawanna County)

Issue: Does § 6318(b) immunity also cover a caseworker's failure to report suspected child abuse?

Where things stand:

- Five current or former employees were charged with endangerment and failure to report
- Sept. 11, 2025: Superior Court found immunity for endangerment, but not for failure to report
- Failure to report is a mandated-reporter duty, not a discretionary provision of services
- February 19, 2026: Supreme Court granted review; related to Kiessling for argument



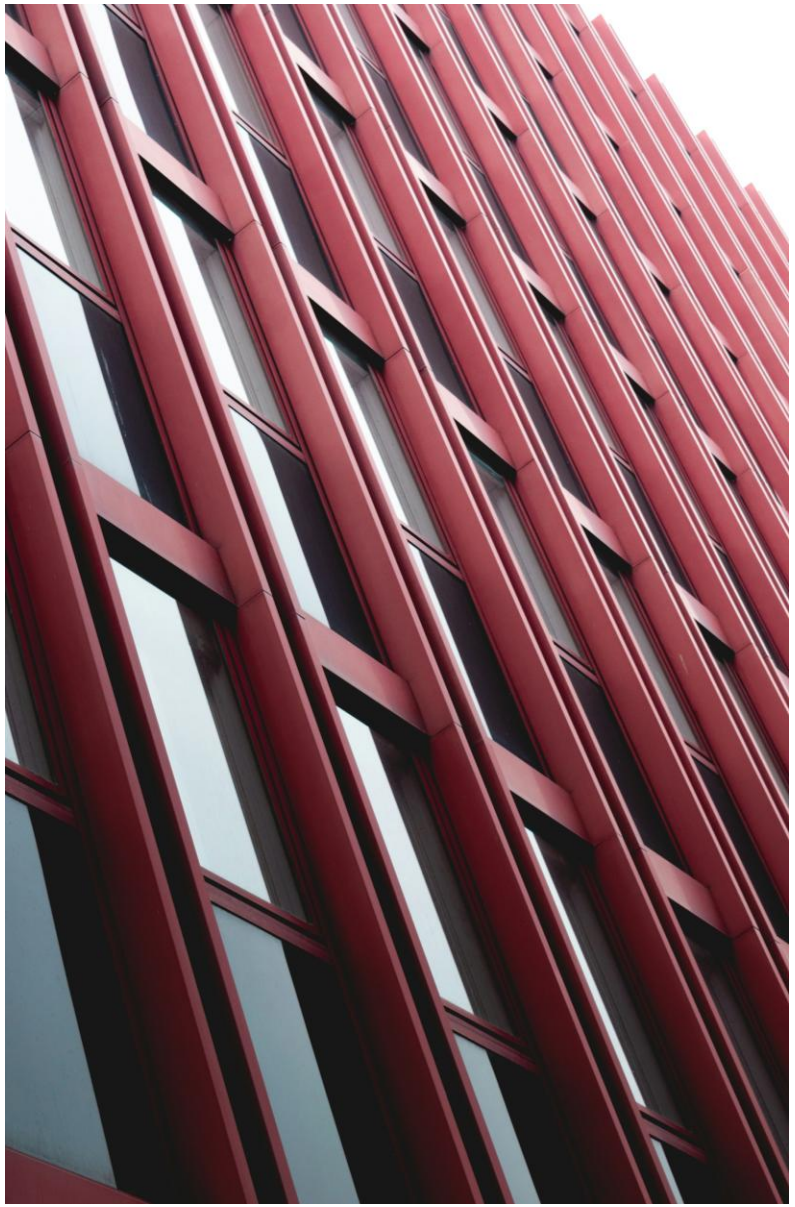


Commonwealth v. Kiessling (Adams County)

Issue: Does 23 Pa.C.S. § 6318(b) immunize CYS caseworkers from prosecution for endangering the welfare of children?

Where things stand:

- Charges against three caseworkers were quashed on immunity grounds
- July 28, 2025: Superior Court unanimously held them immune for providing CPSL services
- February 18, 2026: Supreme Court granted the Commonwealth's petition
- May 29, 2026: CCAP amicus brief filed supporting the caseworkers



Faucon v. Parkland Area School District

Issue: Does a loose weight falling on a student fall within the real property exception to the Political Subdivision Tort Claims Act?

Holding (Pa. Cmwlth. 2025):

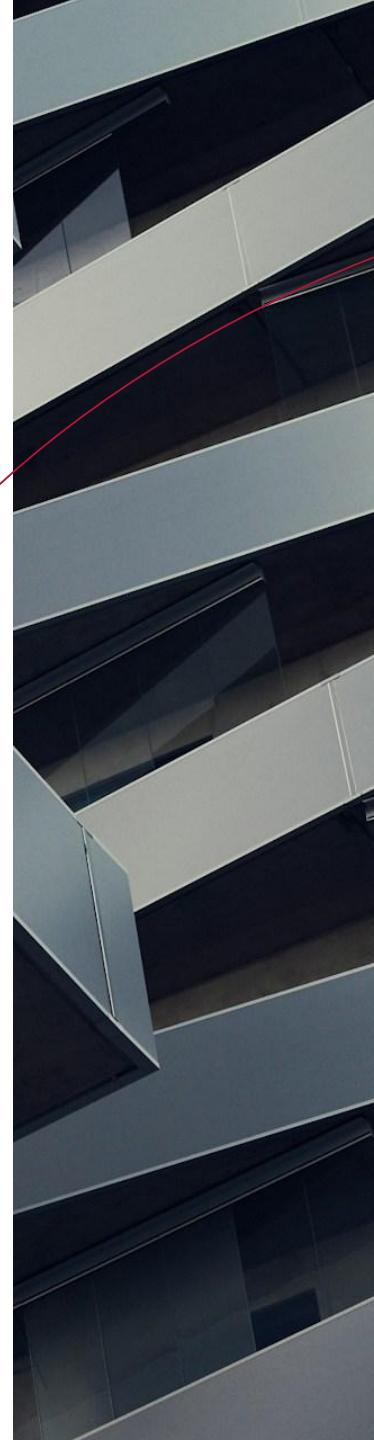
- Injury caused by personalty (a weight), not the real property itself
- Blocker and Repko controlled; claim would also fail under Grieff
- “Unfettered access” is not a condition of real property
- School District remained immune

Lawson v. Montgomery County Prothonotary

Issue: Does Pennsylvania's PLRA 3-strikes rule bar further prison-conditions litigation, even if the filing fee is paid?

Key points:

- Unlike the federal rule, Pennsylvania's rule permits outright dismissal after three strikes
- State courts have trended toward treating the two rules as identical
- CCAP amicus brief filed October 3, 2025 supporting Montgomery County
- CCAP argued at the April 15, 2026 hearing; decision pending





Kimbrough v. Bucks County (E.D. Pa. 2025)

Issue: Was a corrections officer's off-duty call to plaintiff's counsel protected speech?

Rulings on motion to dismiss:

- First Amendment retaliation claim survived: spoke as a citizen on a matter of public concern
- Qualified immunity denied at this stage
- *Monell* claim dismissed without prejudice
- Wrongful discharge against County dismissed with prejudice under Tort Claims Act immunity
- Wrongful discharge against officials dismissed without prejudice

Row Officer Authority and Elections



Sheriff 287(g) Agreements: Bucks County

Make the Road States v. Harran: may a Sheriff bind the county to a 287(g) agreement with ICE without commissioner approval?

Where things stand:

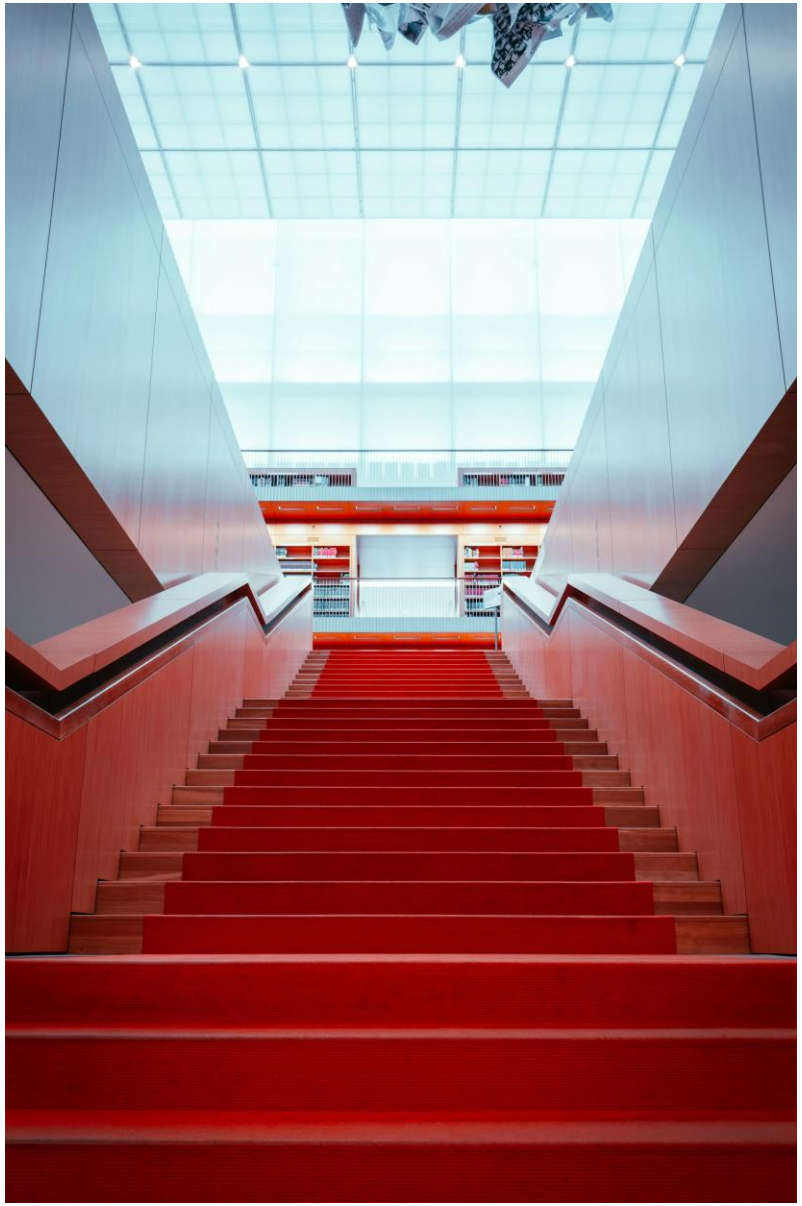
- Trial court found no standing and no enforceable contract (Oct. 27, 2025)
- New Sheriff rescinded the agreement; intervening Sheriffs moved to quash as moot
- CCAP amicus: commissioners must approve agreements committing county resources
- October 13, 2026 argument focused on mootness; decision expected in 3-8 months

Sheriff 287(g) Agreements: Juniata County

CASA v. Stimeling: challenge to the Sheriff's unilateral 287(g) agreement under the Intergovernmental Cooperation Act and Article IX, Section 5.

Where things stand:

- Sheriff argued lack of standing and that the agreement is not a binding contract
- Pennsylvania Sheriffs' Association intervened as a defendant
- March 18, 2026: CCAP amicus brief filed supporting Juniata County
- July 22, 2026: case dismissed for lack of standing

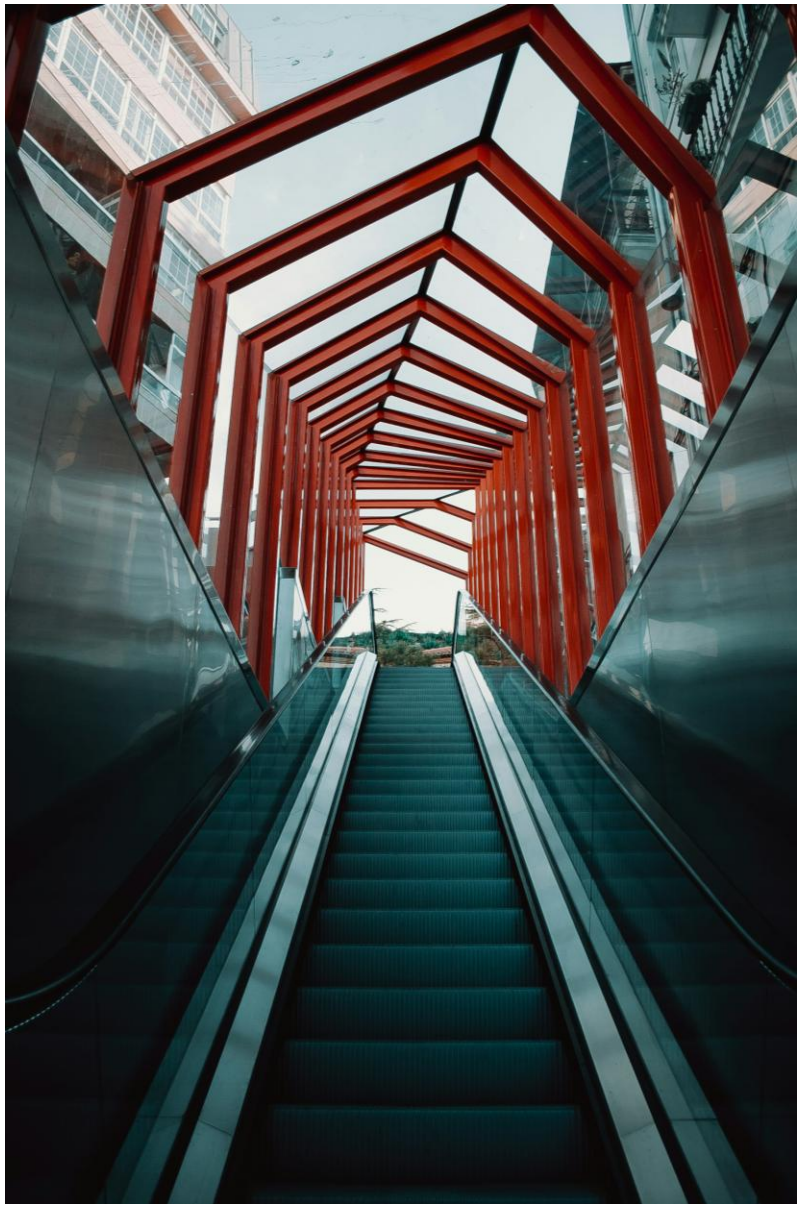


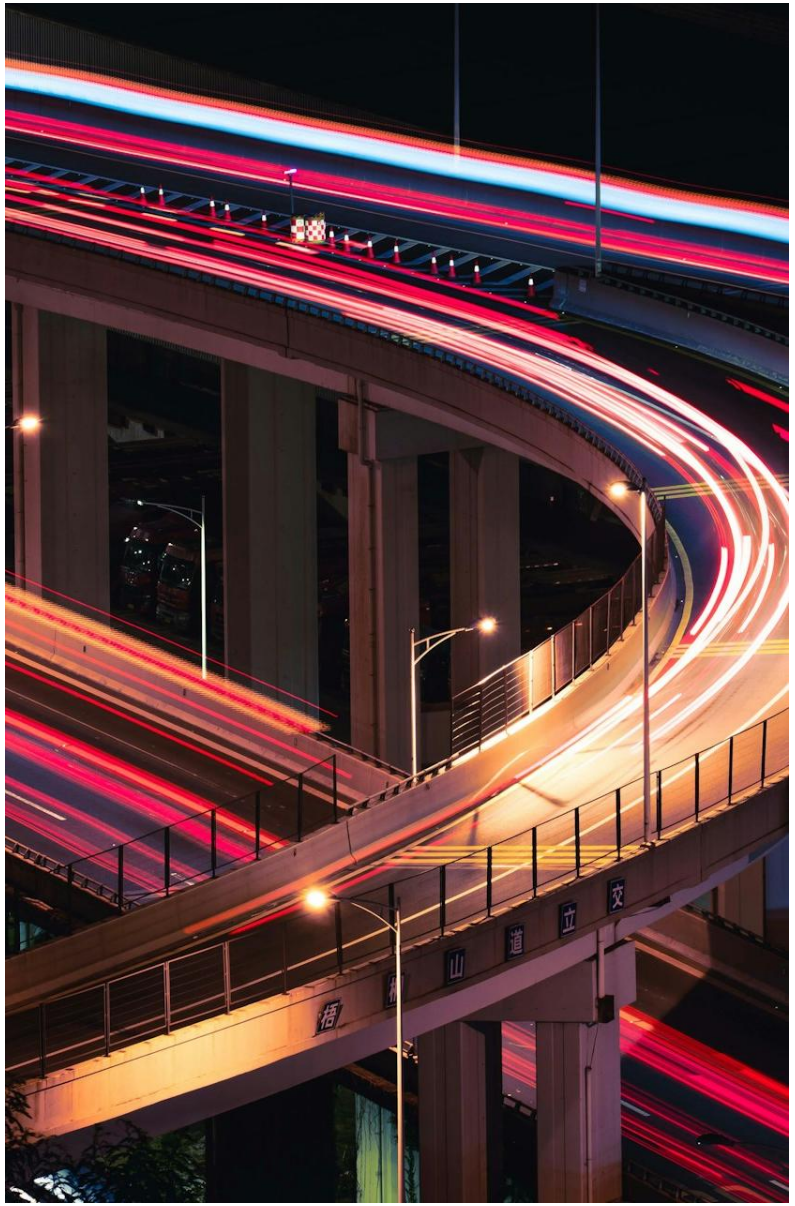
County of Somerset v. DeLuca (Treasurer Authority)

Issue: Do county treasurers vote with commissioners in selecting depositories for county funds?

Where things stand:

- Trial court: Treasurer had no authority to decide the County's investment program
- CCAP amicus: Commissioners must consult treasurers, but treasurers have no vote
- County Code amended (16 Pa.C.S. 14962); CCAP views the change as not substantive
- May 12, 2026: Commonwealth Court en banc affirmed
- June 11, 2026: DeLuca petitioned the Supreme Court (138 WAL 2026); not yet accepted





Huffman v. Lycoming County

Issue: May the commissioners unilaterally relocate the Register and Recorder's office from the courthouse?

Status:

- Huffman seeks a preliminary injunction to stop the move to the Third Street Plaza Building
- All county judges are recused
- June 26, 2026: County's summary judgment motion and motion to dismiss denied
- County's new summary judgment motion to be heard October 20, 2026

In re Westmoreland County Sheriff

Issue: May the commissioners install GPS tracking devices on fleet vehicles used by the Sheriff's Department?

Status:

- Sheriff seeks declaratory and injunctive relief; Sheriffs' Association filed amicus briefs
- July 17, 2025: Sheriff's motion for judgment on the pleadings denied
- CCAP is supporting the County, including with targeted discovery
- Bench trial continued to November 2, 2026



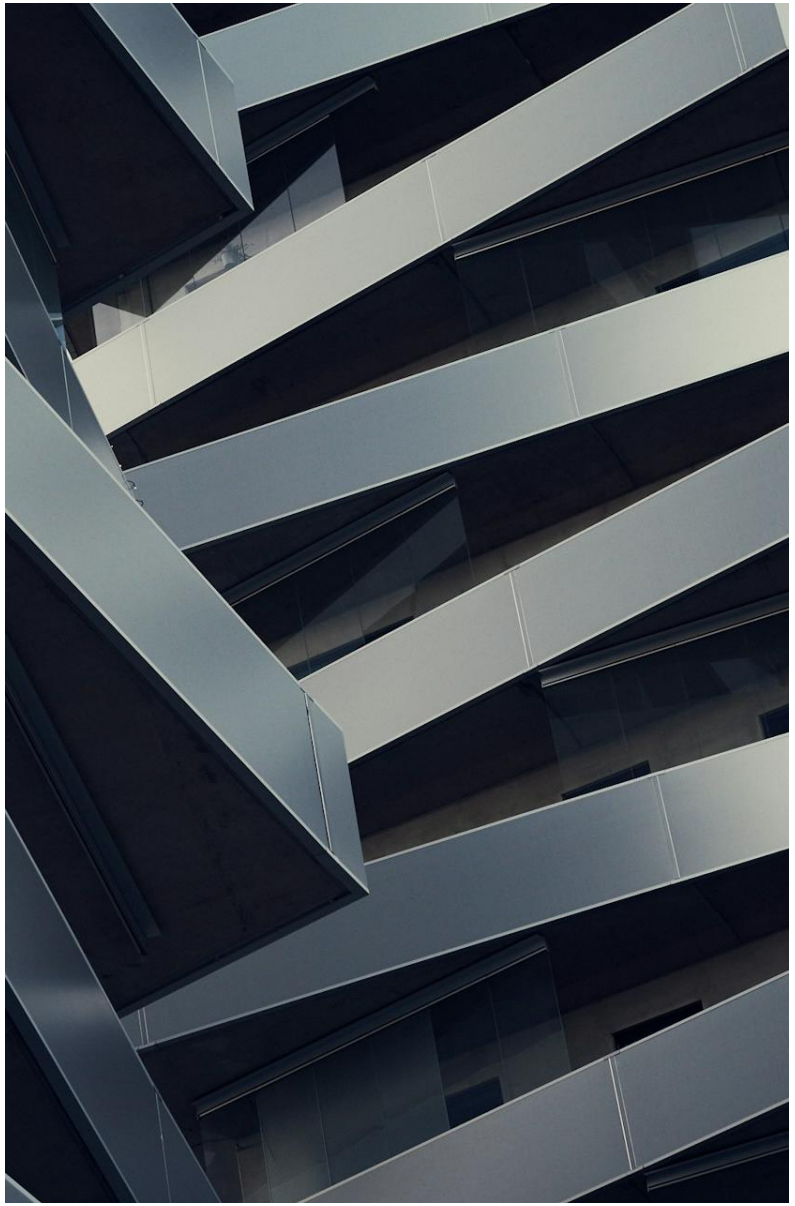
Previte v. Erie County Board of Elections

Issue: Are images of absentee and mail-in ballots subject to disclosure under the RTKL?

Where things stand:

- Commonwealth Court held the images are not exempt under Section 308
- Petition held pending *Honey*; Department of State filed an amicus brief
- August 6, 2026: petition granted and case remanded in light of *Honey*





Honey v. Lycoming County (Pa. 2026)

Issue: Are Cast Vote Records exempt from RTKL disclosure as “contents of ballot boxes” under Section 308?

Holding:

- CVRs are raw data spreadsheets, not the ballots themselves
- CVRs are “reports and other documents and records,” not contents of ballot boxes
- Scanners and tabulators are voting devices, not voting machines
- Disclosure proceeds under the Election Code, not the RTKL



Mail-In Ballot Dating Litigation

NAACP v. Schmidt and Eakin v. Adams County Board of Elections

Where things stand:

- NAACP: Third Circuit held the Materiality Provision does not reach the date requirement (2024)
- Eakin: District Court barred rejecting undated or misdated ballots (March 31, 2025)
- Eakin: Third Circuit affirmed; rehearing en banc denied
- U.S. Supreme Court docketed Eakin (No. 25-962) in February 2026
- June 29, 2026: Solicitor General invited to file views of the United States

Questions?



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