

[J-39-2026]
IN THE SUPREME COURT OF PENNSYLVANIA
MIDDLE DISTRICT

TODD, C.J., DONOHUE, DOUGHERTY, WECHT, MUNDY, BROBSON, McCAFFERY, JJ.

GARY WHITTINGTON AND DONNA
WHITTINGTON,

Appellants

v.

JOE DANIELS,

Appellee

: No. 47 MAP 2025
:
: Appeal from the Order of the
: Superior Court at No. 1734 MDA
: 2022 dated February 19, 2025
: Affirming the Judgment of the
: Franklin County Court of Common
: Pleas, Civil Division, at No. 2017-
: 02792 dated January 31, 2023
:
: ARGUED: May 19, 2026
:

OPINION

JUSTICE MUNDY

DECIDED: October 29, 2026

Appellants Gary and Donna Whittington (collectively the Whittingtons) filed an action against their contractor in magisterial district court before a magisterial district judge (collectively MDJ or MDJ court) for the return of a deposit paid for the construction of a house that was never built. In an issue of first impression, we consider what impact the filing of a complaint in MDJ court (MDJ complaint) has on the tolling of the statute of limitations. After consideration of the Judicial Code and the Pennsylvania Rules of Civil Procedure Governing Actions and Proceedings Before Magisterial District Judges (MDJ Rules), we conclude that the filing of an MDJ complaint tolls the statute of limitations for any cause of action based on the factual averments in that complaint. The holding of the Superior Court is therefore reversed.

Because this case originated with the filing of an MDJ complaint that was subsequently appealed to the court of common pleas, we begin with a brief review of that process. Civil matters in our MDJ courts are governed by the MDJ Rules. Pursuant to these rules, an “action” means a civil action brought before a magisterial district judge” and includes any action within the MDJ’s jurisdiction, except an action by a landlord against a tenant for the recovery of the possession of real property (MDJ action). Pa.R.Civ.P.M.D.J. 301(a), (b). An MDJ action is commenced by the filing of an MDJ complaint and the commencement of an action by summons is not permitted. Pa.R.Civ.P.M.D.J. 303, Note. The form and contents of an MDJ complaint are also detailed in the MDJ rules. An MDJ complaint shall be in writing on a form prescribed by the State Court Administrator, Pa.R.Civ.P.M.D.J. 304(A), and shall set forth:

- (1) The names and addresses of the parties.
- (2) The amount claimed.
- (3) A brief and concise statement of the facts upon which the claim is based including:
 - a. The date, time and place of the occurrence and a brief description of the damages sustained when the claim alleges tortious conduct; or
 - b. The date of the transaction and a brief description of the subject matter when the claim is contractual;
 - c. the date and description of the occurrence when the claim is for a civil fine or penalty and the citation to the statute authorizing the claim.
- (4) Such other information as shall be required on the complaint form.

Pa.R.Civ.P.M.D.J. 304(B).

When the MDJ court holds a hearing on an MDJ complaint “[j]udgment shall be given at the conclusion of the hearing or within five (5) days thereafter and shall be

entered on the complaint form.” Pa.R.Civ.P.M.D.J. 322. If the judgment is for money damages, an aggrieved party may appeal by filing a notice of appeal with the prothonotary of the court of common pleas within thirty days after entry of the judgment. Pa.R.Civ.P.M.D.J. 1002(A). After the filing of a notice of appeal, a complaint must be filed in the court of common pleas (common pleas court complaint):

- A. If the appellant was the claimant in the action before the magisterial district judge, he shall file a complaint within twenty (20) days after filing his notice of appeal.
- B. If the appellant was the defendant in the action before the magisterial district judge, he shall file with his notice of appeal a praecipe requesting the prothonotary to enter a rule as of course upon the appellee to file a complaint within twenty (20) days after service of the rule or suffer entry of a judgment of non pros.
- C. When judgments have been rendered on complaints of both the appellant and the appellee and the appellant appeals from the judgment on his complaint or on both complaints, the appellee may assert his claim in the court of common pleas by pleading it as a counterclaim if it can properly be so pleaded in that court. If the appellant appeals only from the judgment of his complaint, the appellee may appeal from the judgment on his complaint at any time within thirty (30) days after the date on which the appellant served a copy of his notice of appeal upon the appellee.

Pa.R.Civ.P.M.D.J. 1004. On appeal, the proceedings shall be conducted *de novo* and be subject to the Rules of Civil Procedure that would be applicable if the action was originally commenced in the court of common pleas. Pa.R.Civ.P.M.D.J. 1007(A). Additionally, except in very limited circumstances as provided by the MDJ rules, “the action upon appeal may not be limited with respect to amount in controversy, joinder of causes of action or parties, counterclaims, added or changed averments or otherwise because of the particulars of the action before the magisterial district judge.” Pa.R.Civ.P.M.D.J. 1007(B).

In this case, the Whittingtons contracted with Appellee Joe Daniels (Daniels) for the construction of a new home in Franklin County, Pennsylvania on April 29, 2015. As

part of the contract, the Whittingtons paid Daniels a ten-thousand-dollar deposit. On or about October 5, 2015, however, the Whittingtons gave Daniels written notice cancelling the contract. Upon cancellation, the Whittingtons initially believed Daniels would return their ten-thousand-dollar deposit but became aware Daniels intended to retain the deposit after a phone call between the parties later in October. As a result of Daniels' retention of the deposit, on April 10, 2017, the Whittingtons filed an MDJ complaint. That complaint read, in full, "[Daniels] failed to return our deposit of [\$]10,000 for upgrades on a house which he never built upon our termination of the contract." MDJ Complaint, 4/10/17. On June 27, 2017, after a hearing, the MDJ entered judgment in the Whittingtons' favor for ten thousand dollars plus costs. Daniels filed a timely Notice of Appeal of the MDJ judgment in the Franklin County Court of Common Pleas on July 13, 2017. The Notice of Appeal included the required praecipe to the prothonotary to enter a rule upon Appellants to file a common pleas court complaint within twenty days. Notice of Appeal, 7/13/17. The prothonotary entered a rule that informed the Whittingtons that if they did not file a common pleas court complaint within this timeframe, a "judgment of non pros may be entered against" them. *Id.* (capitalization removed).

The Whittingtons did not file a common pleas court complaint within the twenty-day time period, nor did Daniels file a motion for entry of a judgment of non pros. Instead, the case remained dormant until July 1, 2020, when the common pleas court entered a Notice of Intent to Terminate Case and Remove it From the Civil Docket (Notice of Intent to Terminate), notifying the parties that, unless they filed a written objection to termination or a statement of intent to proceed, the court would issue an order terminating the case and directing the prothonotary to mark the case as terminated from the docket. Notice of Intent to Terminate, 7/1/20. In response, the Whittingtons filed a Statement of Intent to Proceed and a common pleas court complaint on July 10, 2020. In their common pleas

court complaint, the Whittingtons raised four counts, including a claim for misappropriation/conversion, in which they asserted that Daniels, by retaining their ten-thousand-dollar deposit, converted funds rightfully belonging to Appellants without their consent. See Common Pleas Court Complaint, 7/10/20, ¶¶ 37-46. Daniels filed an Answer with New Matter and Counterclaims (Answer), asserting, *inter alia*, that the Whittingtons' claims were barred by the statute of limitations because they did not file their common pleas court complaint until July 9, 2020. Answer, 8/21/20, ¶ 47.

After discovery and pre-trial motions, the case proceeded to a jury trial. The jury returned a verdict in the Whittingtons' favor on their conversion claim and in Daniels' favor on all other counts. The jury additionally found that the date of accrual of the Whittingtons' conversion cause of action was October 15, 2015. Based on that finding, Daniels moved for a directed verdict. Relying on the jury's determination of the date of the accrual and the fact that the Whittingtons did not file their common pleas court complaint until July 10, 2020, the trial court determined that the Whittingtons failed to file their complaint within the two-year statute of limitations period for a conversion action and granted Daniels' request, entering judgment in his favor. After their motion for reconsideration was denied, the Whittingtons timely appealed.

Before the Superior Court the Whittingtons challenged, *inter alia*,¹ the trial court's entry of a directed verdict based on the statute of limitations. In a published opinion, a unanimous Superior Court panel affirmed. See *Whittington v. Daniels*, 332 A.3d 102 (Pa. Super. 2025). The Whittingtons maintained that their action was timely because they filed their MDJ complaint within the applicable statute of limitations and that Daniels failed to

¹ The Whittingtons also raised two other issues related to the trial court's denial of their motion for a directed verdict and the issuance of jury instructions as to the statute of limitations. The Superior Court affirmed the trial court's decision on those issues, and they are not currently before the Court.

perfect his appeal of the MDJ judgment with the court of common pleas. Daniels countered that filing an MDJ complaint is not the equivalent of filing a writ of summons or a common pleas court complaint and therefore does not toll the statute of limitations.

The court recognized that the question of whether the filing of an MDJ complaint tolls the statute of limitations was a matter of first impression. *Id.* at 109. Rejecting Daniels' restrictive position, the court determined that holding that the filing of an MDJ complaint does not toll the statute of limitations at all would be at odds with its prior jurisprudence concerning the effects of filing MDJ actions. *Id.* at 110. In this vein, the court discussed its prior holding in *A.C. Elfman & Sons, Inc. v. Clime*, 513 A.2d 488 (Pa. Super. 1986), where it opined "where the doctrine of *res judicata* is otherwise applicable, its invocation will not be precluded or impaired because the prior judgment was entered in an [MDJ] action." *Id.* (quoting *Elfman*, 513 A.2d at 490); *see also id.* (citing *Durand v. JR Beard, LLC*, 2023 WL 6366708 (Pa. Super. filed Sept. 29, 2023) (unpublished memorandum) (holding that where neither party appealed an MDJ judgment *res judicata* barred a subsequent civil complaint arising from the same set of facts). According to the panel, based on these cases, it would be inconsistent to hold that MDJ actions "have a preclusive effect on future litigation but that they have no effect on the statute of limitations." *Id.* The court, however, also rejected the Whittingtons' maximalist argument that filing an MDJ complaint indefinitely tolls the statute of limitations. Rather, the panel concluded that the filing of an MDJ complaint "tolls the statute of limitations during the pendency of that case. However, if a defendant perfects an appeal and properly serves the plaintiff with a praecipe to file a complaint, the statute of limitations begins to run again at the expiration of the twenty-day period in which the plaintiff is required to file a complaint." *Id.* (citing Pa.R.C.P.M.D.J. 1004(B)) (emphasis removed).

In response to the Whittingtons' argument that Daniels never perfected an appeal because he failed to file a praecipe for entry of judgment of *non pros*, the court determined nothing in the MDJ rules require the defendant to file for entry of a judgment of *non pros* but, rather, simply require the praecipe to inform plaintiffs that entry of *non pros* is a possibility if they fail to file a common pleas court complaint within the designated time period. *Id.* at 111 (citing Pa.R.C.P.M.D.J. 1004(B)). Further, the court observed that under our Rules of Civil Procedure, an action commences when a litigant files either a praecipe for a writ of summons or a complaint with the prothonotary. *Id.* (citing Pa.R.Civ.P. 1007). Continuing, and citing our decision in *Lamp v. Heyman*, 366 A.2d 882, 889 (Pa. 1976), the court found that this Court has held that "the onus is on the plaintiff to ensure a writ of summons is both filed and served within the statute of limitations, and the failure to do so will not be excused unless the plaintiff has a good-faith explanation for" that failure. *Id.* Additionally, the court cited its unpublished decision in *Foster v. Sugarhouse Casino*, 2021 WL 3929383 (Pa. Super. filed Sept. 2, 2022) (unpublished memorandum), where it held that because plaintiffs withdrew their original complaint and then refiled the complaint but failed to properly serve the defendants until after the expiration of the limitations period the defendants "were entitled to assume the matter had been resolved[.]" *Id.* (quoting *Foster*, 2021 WL 3929383 at *4).

Relying on these principles, the court concluded it is clear that an appellant/defendant perfects an MDJ appeal by filing and serving on appellee/plaintiff a notice of appeal accompanied by a praecipe for a rule to file a complaint in compliance with MDJ Rule 1004(B). According to the court, once the appellant/defendant complies with this requirement, the "burden shifts to the plaintiff to commence the action by filing and serving a complaint both within the twenty-day period prescribed by [MDJ Rule] 1004(B) and prior to the expiration of the relevant statute of limitations." *Id.* (citing

Pa.R.Civ.P. 1007; *Lamp*, 366 A.2d at 885-889). Consequently, the court concluded if the plaintiff/appellee fails to file a common pleas court complaint within that time period a “defendant[/appellant] can reasonably assume the matter is resolved.” *Id.* (citing *Foster*, 2021 WL 3929383 at *4).

The court observed that in this case, the Whittingtons filed their MDJ complaint on April 10, 2017, within the two-year statute of limitations for a conversion cause of action, utilizing October 15, 2015, as the accrual date. Based on the court’s analysis, however, that only tolled the statute of limitations until July 13, 2017, the date Daniels filed his notice of appeal and praecipe with the prothonotary. The court concluded that the statute of limitations on the Whittingtons’ conversion claim would have expired, at the latest, on August 4, 2017, but the Whittingtons did not file their common pleas court complaint until July 10, 2020, almost three years later. Because it found the Whittingtons failed to file their common pleas court complaint before the expiration of the statute of limitations, the court affirmed the trial court’s grant of a directed verdict.

We granted the Whittingtons’ petition for allowance of appeal to address the following issue:

Did the Superior Court err by holding that the filing of a complaint with [the MDJ court] tolls the statute of limitations only during the pendency of that case and begins to run again once the twenty-day period expires subsequent to the entry of a Rule to File Complaint at the court of common pleas upon appeal by the losing defendant?

Whittington v. Daniels, 344 A.3d 1059 (Pa. 2025) (*per curiam*).

The Judicial Code mandates that a cause of action be commenced within the applicable statute of limitations period. 42 Pa.C.S. § 5501; *see also Ferraro v. Patterson-Erie Corp.*, 313 A.3d 987, 998 (Pa. 2024). Daniels asserts that commencement only occurs by the filing of either a praecipe for a writ of summons, complaint or appeal with the court of common pleas. Appellee’s Brief at 6. Similarly, the Superior Court cited Rule of Civil Procedure 1007 in stating that an action commences when a litigant files either a

praecipe for a writ of summons or a complaint with the prothonotary. *Whittington*, 332 A.3d at 111 (citing Pa.R.Civ.P. 1007). These positions, however, are at odds with the Judicial Code, pursuant to which an action is commenced “when a document embodying the matter is filed” in the appropriate office, 42 Pa.C.S. § 5503(a), and further specifies that general rules applicable to particular classes of matters may “further defin[e] the document which when filed shall constitute the commencement of a matter.” *Id.* at § 5503(b).

An MDJ action is commenced by the filing of an MDJ complaint, the form of which is proscribed by the MDJ Rules. Pa.R.Civ.P.M.D.J. 303; 304. An MDJ complaint is required to contain, *inter alia*, “[t]he names and addresses of the parties,” “[t]he amount claimed,” and “[a] brief and concise statement of the facts upon which the claim is based[.]” Pa.R.Civ.P.M.D.J. 304(B)(1)-(3). These requirements satisfy the Judicial Code’s mandate that an action is commenced “when a document embodying the matter is filed” in the appropriate office and its allowance that general rules applicable to specific classes of matters may define the document that constitutes the commencement of an action. See 42 Pa.C.S. § 5503(a). (b). Hence, when an MDJ complaint is properly filed in MDJ court the action is commenced for statute of limitations purposes.

According to the Superior Court, the filing of an MDJ complaint tolls the statute of limitations during the pendency of the MDJ case but that “if a defendant perfects an appeal and properly serves the plaintiff with a praecipe to file a complaint, the statute of limitations begins to run again at the expiration of the twenty-day period in which the plaintiff is required to file a complaint.” *Whittington*, 332 A.3d at 110 (citation removed). In making this determination the lower court failed to cite any authority for the premise that once an action is commenced, and properly served, within the statute of limitations the limitations period begins to run again at some later point during the pendency of the

case. Both the position of the lower court and that of Daniels appear to be implicitly based on the presumption that the filing of a common pleas court complaint subsequent to an appeal of an MDJ judgment is tantamount to the commencement of a brand-new action.

There is no support for this presumption. First, the MDJ Rules state that “[a] party aggrieved by a judgment for money ... may **appeal** the judgment within 30 days after the date of the entry of judgment by filing with the prothonotary of the court of common pleas a notice of appeal[.]” Pa.R.Civ.P.M.D.J. 1002(A) (emphasis added). Those same rules define an “appeal” as “an **appeal** from a judgment to the court of common pleas.” Pa.R.Civ.P.M.D.J. 1001(1) (emphasis added). An appeal is generally considered “[a] proceeding undertaken to have a decision reconsidered by a higher authority ... for review and possible reversal[.]” Appeal, BLACK’S LAW DICTIONARY (12th ed. 2024), as opposed to the commencement of a new action. An appeal is therefore simply the continuation of a previously commenced action. In the current context, the appeal of an MDJ judgment to the court of common pleas is the continuation of the MDJ action commenced by the filing of the MDJ complaint.

Importantly, further review of the MDJ Rules makes clear that the filing of a common pleas court complaint upon appeal is not equivalent to the commencement of a new action. MDJ Rule 303 states “[a]n action shall be commenced by the filing of a complaint.” Pa.R.Civ.P.M.D.J. 303. MDJ Rule 1004, on the other hand, addresses the filing of a common pleas court complaint upon appeal of an MDJ judgment but does not frame the filing of that complaint as the commencement of a new action. See Pa.R.Civ.P.M.D.J. 1004(A) (“If the appellant was the claimant in the action before the magisterial district judge, he shall file a complaint within twenty (20) days after filing his notice of appeal.”); Pa.R.Civ.P.M.D.J. 1004(B) (Appellant shall file a “praecipe requesting the prothonotary to enter a rule as of course upon the appellee to file a complaint within

twenty (20) days after service of the rule or suffer entry of a judgment of non pros.”). By explicitly stating that an action is commenced by the filing of an MDJ complaint but omitting any mention of the commencement of a new action via the filing of a common pleas court complaint, the MDJ Rules clearly exhibit the intent that the filing of the common pleas court complaint under such circumstances is simply continuation of the action originally commenced by the filing of the MDJ complaint and not the commencement of a brand new action. Consequently, the statute of limitations does not begin to run again after the filing, and service, of the MDJ complaint.

Both the Superior Court and Daniels rely on our decision in *Lamp* to support the position that the filing of the Whittingtons’ MDJ complaint did not completely toll the statute of limitations through the entirety of the proceedings. That reliance on *Lamp* is misplaced. The concerns we addressed in *Lamp* are nonexistent in the present case and our analysis there offers little, if any, aid in our consideration of the current issue. *Lamp* analyzed the manner in which an action may be commenced pursuant to Civil Procedure Rule 1007 and specifically the service of the documents used to commence that action. *Lamp*, 366 A.2d at 885.² Commencement of matters in MDJ court, however, is not governed by Civil Procedure Rule 1007 but instead by MDJ Rule 303 and, because MDJ appeals are a continuation of the matter commenced in MDJ court, the requirements of Civil Procedure Rule 1007 are inapplicable to such matters. Service of matters commenced via an MDJ complaint are also not governed by Civil Procedure Rule 1007 but are instead governed

² “We note that it has become a relatively common practice throughout the Commonwealth for attorneys to file a praecipe with the prothonotary to toll the statute of limitations but then, whether because settlement negotiations are in progress or because more time is needed to prepare the case, to delay or prevent service upon the defendant.” *Lamp*, 366 A.2d at 886. See also *id.* at 888-89 (“Nevertheless, we now conclude that there is too much potential for abuse in a rule which permits a plaintiff to keep an action alive without proper notice to a defendant merely by filing a praecipe for a writ of summons and then having the writ reissued in a timely fashion without attempting to effectuate service.”).

by the MDJ Rules. See e.g, Pa.R.Civ.P.M.D.J. 307,³ 308.⁴ There is no indication from the record, or argument from Daniels, that indicates the Whittingtons' MDJ complaint,

³ **Rule 307. Service of the Complaint**

Service shall be made at least ten days before the hearing, in the following manner:

(1) A copy of the complaint for each defendant shall be delivered by the magisterial district judge for service to the sheriff of, or any certified constable in, the county in which the magisterial district of the magisterial district judge is situated. If this service is not available to the magisterial district judge, service may be made by any certified constable of the Commonwealth. If the complaint is delivered for service to the sheriff and service is to be made in a county other than the one in which the magisterial district of the magisterial district judge is situated, the sheriff shall deputize the sheriff of the county in which service is to be made. A certified constable may serve the complaint anywhere in the Commonwealth.

(2) If service is to be made in a county other than the one in which the magisterial district judge's magisterial district is situated, the magisterial district judge, instead of acting in accordance with subdivision (1), may:

(a) send the copy of the complaint for service to a magisterial district judge in the county in which service is to be made who shall deliver it for service to the sheriff of, or any certified constable in, that county. If this service is not available to the magisterial district judge, service may be made by any certified constable of the Commonwealth, or

(b) if service is to be made in Philadelphia, send the copy of the complaint for service to the Court Administrator of the Philadelphia Municipal Court who shall deliver it for service to a writ server of that court or to the sheriff of Philadelphia.

(3) When service by mail is permitted by the rules in this chapter, it shall be at the option of the plaintiff and shall be made by the magisterial district judge by certified mail or comparable delivery method resulting in a return receipt in paper or electronic form. Such service may be made to any place in or outside the Commonwealth.

Pa.R.Civ.P.M.D.J. 307.

⁴ **Rule 308. Service Upon Individuals.**

Service of the complaint upon an individual defendant shall be made:

(continued...)

which was the document that commenced the current action, was not properly served in accordance with the MDJ Rules. As there are no issues regarding service of the operative document commencing the action, *Lamp*'s service concerns are not implicated here.

Furthermore, the purpose of the rule announced in *Lamp* is also not at issue in an MDJ appeal filed by the party that was the defendant before the MDJ court. In light of its service concerns, the *Lamp* court created a rule moving forward that "a writ of summons shall remain effective to commence an action only if the plaintiff then refrains from a course of conduct which serves to stall in its tracks the legal machinery he has just set in motion." *Lamp*, 366 A.2d at 889 (footnote omitted). The Court's stated purpose for this new rule was to "avoid the situation in which a plaintiff can bring an action, but, by not making a good-faith effort to notify a defendant, **retain exclusive control over it** for a period in excess of that permitted by the statute of limitations." *Id.* (emphasis added). The issue of a plaintiff's exclusive control over a matter is also not a concern here. As

(1) by handing a copy to the defendant, or

(2) by handing a copy:

(a) to an adult member of the defendant's family at his residence, but if no adult member of the family is found, then to an adult person in charge of such residence, or

(b) to the clerk or manager at a hotel, inn, apartment house, boarding house or other place of lodging at which the defendant resides, or

(c) 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, or

(3) by mailing a copy to the defendant by certified mail or comparable delivery method resulting in a return receipt in paper or electronic form. The return receipt shall show the signature of the defendant or those persons designated in subdivision (2) or this rule. If the signature on the return receipt is that of any persons designated in subdivision (2) of this rule, it shall be presumed, unless the contrary is shown, that the signer was an agent of the defendant.

Pa.R.Civ.P.M.D.J. 308.

Daniels was the defendant in the action before the MDJ and the appellant in the court of common pleas, MDJ Rule 1004 directs that he was required to “file with his notice of appeal a praecipe requesting the prothonotary to enter a rule as of course upon [the Whittingtons] to file a complaint within twenty (20) days after service of the rule or suffer entry of a judgment of non pros.” Pa.R.Civ.P.M.D.J. 1004(B), which he so filed. When the Whittingtons failed to file their common pleas court complaint within twenty days, Daniels had recourse under the rules to request the entry of a judgment of non pros. At no point after filing and service of their MDJ complaint did the Whittingtons possess exclusive control over their action.

Lastly, Daniels argues that even if the Whittingtons’ MDJ complaint tolled the statute of limitations throughout the entirety of the case, their inclusion of a conversion cause of action amounted to an amendment after the limitations period for that cause of action expired. Appellee’s Brief at 8. He continues that even though Civil Procedure Rule 1033 permits the amendment of a complaint and that courts have held that amendment should be liberally granted, the Court should “not permit the addition of a new cause of action after the statute of limitations have run, unless the proposed amendment does not change the cause of action but merely amplifies that which has already been averred.” *Id.* Here, Daniels insists, the Whittingtons sought to add their conversion claim to an existing breach of contract claim well after the two-year statute of limitations period for a claim of conversion. *Id.* at 9. The Whittingtons counter that Daniels’ characterization of the inclusion of a conversion cause of action in their common pleas court complaint is inaccurate because they never sought or obtained an amendment. Appellants’ Reply Brief at 11.⁵

⁵ The Pennsylvania Association for Justice filed an *amicus curiae* brief in support of the Whittingtons.

We agree with the Whittingtons. MDJ complaints are made on forms prescribed by the State Court Administrator and are required to contain relatively limited information, including “(1) [t]he names and addresses of the parties[,] (2) [t]he amount claimed[, and] (3) [a] brief and concise statement of the facts upon which the claim is based[.]” Pa.R.Civ.P.M.D.J. 304. For a tort claim like conversion, the complaint must also include “the date, time and place of the occurrence and a brief description of the damages sustained[.]” Pa.R.Civ.P.M.D.J. 304(B)(3)(a). As the MDJ rules make clear a plaintiff is not required to plead individual or specific causes of action or explain the legal theory underlying the MDJ complaint, rendering the characterization of the inclusion of specific causes of action in common pleas court complaints upon appeal as amendments inaccurate.⁶ The simplicity and limited information required in an MDJ complaint is intended, by design, “to promote the uniformity, simplification of procedure, and better access by the public to the judicial services of magisterial district judges.” Pa.R.Civ.P.M.D.J. 304, Note. The MDJ Rules on the procedure upon appeal also militate against characterizing the inclusion of specific causes of action in common pleas court complaints as amendments. MDJ Rule 1007 directs that “proceedings on appeal shall be conducted *de novo*” and that, except in limited circumstances, actions “upon appeal may not be limited with respect to amount in controversy, joinder of causes of action or parties, counterclaims, added or changed averments or otherwise because of the particulars of the action before the” MDJ. Pa.R.Civ.P.M.D.J. 1007(A), (B). The proceedings on appeal can be much more expansive than those before the MDJ, and the

⁶ The rules do allow for the amendment of an MDJ complaint. See Pa.R.Civ.P.M.D.J. 316 (“Amendments to the complaint may be made only at the hearing in the presence of the adverse party or his representative. Amendments other than those made as to form shall constitute grounds for continuance.”).

MDJ Rules do not characterize those expanded proceedings as amendments to the MDJ complaint.

Moreover, the Whittingtons assert, relying on the Superior Court's unpublished opinion in *Provenzano v. Bartusiak*, 2024 WL 3508013 (Pa. Super. filed July 23, 2024) (unpublished memorandum),⁷ that the statute of limitations is tolled for any cause of action based on the same facts alleged in the MDJ complaint. Appellants' Reply Brief at 12-13. In *Provenzano*, a plaintiff filed an MDJ complaint against her dentist requesting the return of a deposit she paid for dental work that wound up becoming infected and unable to be completed. After the MDJ entered judgment in the plaintiff's favor, the defendant appealed. Plaintiff then filed a common pleas court complaint raising a claim for professional negligence. Defendant agreed that plaintiff filed her MDJ complaint within the applicable statute of limitations for a professional negligence claim but argued she did not raise that claim in that complaint. She then filed her common pleas court complaint outside of the applicable limitations period for the professional negligence claim. The court observed that an appeal to the court of common pleas is *de novo* and that MDJ Rule 1007 directs that an "action upon appeal may not be limited with respect to ... joinder of causes of action or ... added or changed averments." *Provenzano*, 2024 WL 3508013 at *4 (citation omitted). Accordingly, the court concluded "that any cause of action that a plaintiff could have timely brought at the time he or she files a complaint in the MD[J] court], based upon the same underlying operative facts alleged in the MD[J] complaint, tolls the statute of limitations for purposes of alleging that cause of action for the first time on appeal for a trial *de novo* in the [c]ourt of [c]ommon [p]leas." *Id.* at *5 (some emphasis removed).

⁷ Unpublished or unreported memorandum decisions from the Superior Court filed after May 1, 2019, may be cited for their persuasive value. See Pa.R.A.P. 126(b).

We agree that the question of whether a cause of action's statute of limitations period has been tolled by the filing of an MDJ complaint is answered by an analysis of the MDJ complaint's factual allegations. If a cause of action is based on the same factual averments made in the MDJ complaint, then the statute of limitations is tolled for that claim. This includes any appeal thereof. In addition to the expansive nature of the proceedings in the common pleas court envisioned by MDJ Rule 1007, we are also persuaded by the limited nature of the required contents of an MDJ complaint, including the lack of any requirement that the plaintiff must raise specific causes of action or explain the legal theory underlying the complaint. Without the inclusion of these requirements, the only way to determine if a cause of action falls within the MDJ complaint is by comparing the factual basis for the cause of action in the common pleas court complaint to the MDJ complaint's factual averments. Focusing on the factual averments in the MDJ complaint is consistent with the purposes of statutes of limitations, which "exist, in large part, 'so that the passage of time does not damage the defendant's ability to adequately defend against claims made.'" *KEM Resources, LP v. Deer Park Lumber, Inc.*, 310 A.3d 142, 153 (Pa. 2024) (quoting *Bisher v. Lehigh Valley Health Network, Inc.*, 265 A.3d 383, 409 (Pa. 2021)). We have additionally stated "[t]he predominant purpose of statutes of limitations is to prevent stale claims so that the defense of such claims is minimally prejudiced, particularly by the destruction or degradation of evidence." *Ferraro*, 313 A.3d at 999 (citing *Ins. Co. of North America v. Carnahan*, 284 A.2d 728, 729 (Pa. 1971)). The factual averments in an MDJ complaint place defendants on notice of the allegations against them and make them aware of the evidence needed to respond to those allegations and to defend themselves. This allows defendants to adequately prepare to defend against the claims made even if they are not yet aware of the legal rationale plaintiffs will invoke. To the extent a defendant is prejudiced by a plaintiff's delay in filing

the common pleas court complaint upon appeal, affirmative, equitable defenses such as laches may still be available.⁸

In the present case the jury found in the Whittingtons' favor on their conversion claim. In reviewing the Whittingtons' conversion claim in their common pleas court complaint, it is clear that claim is based on the same factual averments they made in their MDJ complaint. In their common pleas court complaint, the Whittingtons averred that they had a property interest in the ten-thousand-dollar deposit, Daniels interfered with that property interest by keeping possession of the deposit, and that Daniels had no authority to retain the deposit. See Common Pleas Court Complaint, 7/9/20, ¶¶ 38-40. The Whittingtons' claim was clearly based on the factual assertion that Daniels unjustly retained their deposit. The entirety of the Whittingtons' MDJ complaint reads "[Daniels] failed to return our deposit of [\$]10,000 for upgrades on a house which he never built upon our termination of the contract." MDJ Complaint, 4/10/17. As evinced by their common pleas court complaint, this is the same factual assertion that provides the basis for the Whittingtons' conversion claim. Since the Whittingtons' conversion claim was based on the factual averments in their MDJ complaint, the filing of said complaint tolled the statute of limitations for that claim.

The statute of limitations for conversion is two years. *Kingston Coal Co. v. Felton Min. Co., Inc.*, 690 A.2d 284, 288 (Pa. Super. 1997); 42 Pa.C.S. § 5524(3). The jury found Appellants' conversion claim accrued on October 15, 2015. The Whittingtons

⁸ MDJ Rule 1007(B) directs that actions on appeal are not limited as to causes of action raised in the MDJ complaint. Pa.R.Civ.P.M.D.J. 1007(B). However, even though Rule 1007(B) does not limit the causes of action a plaintiff can raise on appeal, the determination of whether the statute of limitations for a cause of action raised on appeal was tolled by the filing of the MDJ complaint requires an analysis of the cause of action with the MDJ complaint's factual averments. Simply because a plaintiff is permitted to raise a claim under MDJ Rule 1007(B) does not necessarily mean the statute of limitations for that claim was tolled by the filing of the MDJ complaint.

commenced the current action by filing their MDJ complaint on April 10, 2017, within the two-year limitations period for a conversion claim. Daniels' subsequent appeal to the court of common pleas and the case then sitting dormant for almost three years prior to the Whittingtons' filing their common pleas court complaint do not alter the fact that they commenced their action within the applicable statute of limitations. The Whittingtons' claim was not time barred and the holding of the Superior Court is reversed.

Chief Justice Todd and Justices Donohue, Dougherty, Wecht, Brobson and McCaffery join the opinion.