

SUPREME COURT OF PENNSYLVANIA

Meyer v. Community College of Beaver County

606 Pa. 539 (2010) (Pa. 2010) · No. Nos. 20 WAP 2009, 21 WAP 2009 · Decided August 17, 2010

SUMMARY

The Supreme Court of Pennsylvania held that governmental immunity under the Political Subdivision Tort Claims Act does not extend to all statutory causes of action regardless of whether they sound in tort or contract. The court vacated the Commonwealth Court's decision and remanded for consideration of the remaining issues, including whether the Unfair Trade Practices and Consumer Protection Law authorizes private claims against governmental entities. A concurrence would have further addressed the UTPCPL and the tort-versus-contract distinction.

CASE DETAILS

COURT	Supreme Court of Pennsylvania
WRITING FOR THE COURT	Justice Saylor; Chief Justice Castille; Justice Eakin; Justice Baer; Justice Todd; Justice McCaffery; Justice Orie Melvin
JURISDICTION	Pennsylvania
DECIDED	August 17, 2010
DOCKET	Nos. 20 WAP 2009, 21 WAP 2009
DISPOSITION	vacated
PROCEDURAL POSTURE	The former students petitioned for allowance of appeal from the Commonwealth Court's reversal of orders denying the Community College's motions for partial summary judgment on the students' UTPCPL claims.
STANDARD OF REVIEW	Plenary review because the appeal presented a question of law.
PRECEDENTIAL VALUE	Published opinion; precedential decision of the Supreme Court of Pennsylvania.
PARTIES	David J. Meyer, Dallas Berry, Charles J. Brown, Jeremy Lee Fox, Martin Gorecki, Anthony J. Hollibaugh, Lisa L. Salyers, Rochell Sykes, Joseph W. Vucick, David L. Wigley, Dennis W. Woodley, Chris Mack, Tammy Muslo, Timothy L. Barr, John J. Battaglia, Mark Brown, Chris Ferragonio, Craig P. Fraser, Matt Fraser, Ivan Glenz, Justin Haffey, Steve Hall, Dustin Huff, Joseph A. Kanai, Michael Keally, Stephen E. Kusma IV, William J. Latuszewski, John Kurt

Leitschaft, Bob Masilon, Michael Matzie, Alexis M. Miller, Joseph A. Musser, Timothy Poland, Brian A. Sales, Matthew J. Temple, Torie Tyson, Jared Unen, Dale A. Valenson, Mark C. Williams, Amy M. Zimmer v. Community College of Beaver County

TOPICS

municipal law

statutory interpretation

contracts

consumer protection

appellate procedure

PRACTICE AREAS

municipal law

governmental immunity

statutory interpretation

contracts

consumer protection

QUESTIONS PRESENTED

1. Whether governmental immunity under 42 Pa.C.S. §§ 8541-8542 extends to all statutory causes of action regardless of whether the claim sounds in tort or contract.
2. Whether the Commonwealth Court properly reversed the common pleas court on the basis of a broad statutory-immunity theory that had not been advanced by the parties.
3. Whether the College's threshold argument that the UTPCPL does not authorize private actions against local governmental entities should be resolved by the Supreme Court on this appeal.

HOLDINGS

1. Governmental immunity under the Political Subdivision Tort Claims Act does not extend to all statutory causes of action regardless of whether they sound in tort or contract. The statutory immunity provisions are centered on injury to a person or property and reflect traditional tort jurisprudence, while contract law principally protects bargained-for expectations.
2. The Commonwealth Court erred in holding that all private statutory claims, including UTPCPL claims, are barred unless they fall within one of the eight statutory immunity exceptions. The Supreme Court did not decide whether the UTPCPL authorizes private actions against governmental entities in the first instance, leaving that issue for the Commonwealth Court.

KEY QUOTATIONS

"We hold that governmental immunity does not extend to all statutory causes of action, regardless of whether they sound in tort or contract." (at 503)

"In line with the extant understanding of the Political Subdivision Tort Claims Act, we believe the Legislature centered the immunity there conferred on "injury to a person or property" as a reflection of traditional tort jurisprudence." (at 502)

FACTUAL BACKGROUND

The appellants were former students enrolled in the Community College of Beaver County's police training program. Each group had completed a substantial portion of the training when the College lost certification

under 53 Pa.C.S. §§ 2161-2171. The students alleged that their earned credits might not be recognized elsewhere and asserted contract, warranty, and UTPCPL theories based on the College's alleged failures.

PROCEDURAL HISTORY

The students filed companion civil actions asserting contract, warranty, and Unfair Trade Practices and Consumer Protection Law claims after the College lost certification for its police training program. The common pleas court denied the College's motions for partial summary judgment, concluding that governmental immunity was directed to tort actions and did not bar the claims. The Commonwealth Court accepted permissive interlocutory appeals and reversed in divided en banc opinions, holding that local agencies were immune from all statutory causes of action absent an exception under the Political Subdivision Tort Claims Act. The Supreme Court granted allowance of appeal, vacated the Commonwealth Court's order, and remanded for further proceedings.

DISPOSITION

vacated

REMAND INSTRUCTIONS

The Commonwealth Court must conduct further proceedings consistent with the Supreme Court's opinion. The Court may address the parties' preserved arguments, including whether the UTPCPL authorizes a private action against a governmental entity, and must resolve issues within its appellate jurisdiction in the first instance.

CASES CITED

- Meyer v. Cmty. Coll. of Beaver County, 965 A.2d 406 (Pa. Cmwlth. 2009) (en banc)
- Barr v. Cmty. Coll. of Beaver County, 968 A.2d 235 (Pa. Cmwlth. 2009) (en banc)
- Hazleton Area Sch. Dist. v. Bosak, 671 A.2d 277, 282-83 (Pa. Cmwlth. 1996)
- Snead v. SPCA of Pa., 604 Pa. 166, 985 A.2d 909, 913-14 (2009)
- Flood v. Silfies, 933 A.2d 1072, 1076 n. 7 (Pa. Cmwlth. 2007)
- Bilt-Rite Contractors, Inc. v. The Architectural Studio, 581 Pa. 454, 866 A.2d 270, 285-87 (2005)
- Matarazzo v. Millers Mutual Group, Inc., 927 A.2d 689, 694 (Pa. Cmwlth. 2007) (en banc)
- Com. Dept. of Transportation v. Municipal Authority of the Borough of West View, 919 A.2d 343 (Pa. Cmwlth. 2007), aff'd, 594 Pa. 409, 936 A.2d 487 (2007)
- Commonwealth ex rel. Creamer v. Monumental Properties, Inc., 459 Pa. 450, 329 A.2d 812, 817 (1974)
- Commonwealth v. Peoples Benefit Services, Inc., 923 A.2d 1230, 1236 (Pa. Cmwlth. 2007)
- Trizechahn Gateway LLC v. Titus, 601 Pa. 637, 976 A.2d 474, 482 (2009)
- Huffman v. Borough of Millvale, 139 Pa. Cmwlth. 349, 591 A.2d 1137, 1139 (1991)
- Leonard v. Masterson, 70 A.D.3d 697, 896 N.Y.S.2d 358, 359 (N.Y. App. Div. 2010)