

COMMONWEALTH COURT OF PENNSYLVANIA

Jordan Spallone v. Pennsylvania State Police; Lauren Spallone v. Pennsylvania State Police

Spallone · No. 1275 & 1276 C.D. 2024 · Decided May 28, 2026

SUMMARY

The Pennsylvania Commonwealth Court held that it has exclusive original jurisdiction over Whistleblower Law claims against the Pennsylvania State Police, a Commonwealth agency. The court concluded that such claims are remedial and are not actions in the nature of trespass subject to the statutory exception in Section 761(a)(1)(v) of the Judicial Code. It affirmed the trial court’s orders sustaining preliminary objections and directed transfer of the consolidated cases to the Commonwealth Court’s original jurisdiction.

CASE DETAILS

COURT	Commonwealth Court of Pennsylvania
WRITING FOR THE COURT	Christine Fizzano Cannon; Renée Cohn Jubelirer; Patricia A. McCullough; Michael H. Wojcik; Lori A. Dumas; Stacy Wallace; Stella M. Tsai
JURISDICTION	Commonwealth Court of Pennsylvania
DECIDED	May 28, 2026
DOCKET	1275 & 1276 C.D. 2024
DISPOSITION	affirmed
PROCEDURAL POSTURE	The appellants sought permission to appeal from certified interlocutory orders of the Court of Common Pleas of Westmoreland County sustaining the Pennsylvania State Police's preliminary objections for lack of subject matter jurisdiction and transferring the consolidated Whistleblower Law cases to the Commonwealth Court's original jurisdiction.
STANDARD OF REVIEW	Subject matter jurisdiction is a question of law subject to plenary review, and the court has an affirmative duty to consider it even when the parties do not raise it.
PRECEDENTIAL VALUE	Published and precedential opinion of the Commonwealth Court of Pennsylvania

PARTIES

Jordan Spallone, Lauren Spallone v. Pennsylvania State Police

TOPICS

subject matter jurisdiction

whistleblower

appellate procedure

statutory interpretation

civil procedure

PRACTICE AREAS

civil procedure

appellate procedure

employment law

statutory interpretation

QUESTIONS PRESENTED

1. Whether the Commonwealth Court has exclusive original jurisdiction under Section 761(a)(1) of the Judicial Code over Pennsylvania Whistleblower Law claims seeking damages against the Commonwealth or a Commonwealth agency.
2. Whether the Section 761(a)(1)(v) exception for actions in the nature of trespass removes Whistleblower Law claims from the Commonwealth Court's original jurisdiction and places them in the courts of common pleas.

HOLDINGS

1. The Commonwealth Court has exclusive original jurisdiction over Whistleblower Law claims against the Commonwealth or its agencies because such claims fall within Section 761(a)(1)'s general grant of jurisdiction over civil actions against the Commonwealth government.
2. Whistleblower Law claims are not actions in the nature of trespass within Section 761(a)(1)(v); therefore, the exception does not divest the Commonwealth Court of original jurisdiction over the Spallones' claims.

KEY QUOTATIONS

“The Spallones’ Whistleblower Law claims are solely related to their at-will employment relationship with the PSP. These claims do not sound in common law torts and are not analogous to Section 1983 and PHRA claims, which are statutory in nature but grounded in personal constitutional rights, the violation of which is suitable for tort-oriented duty-breach analysis, as recognized in the Section 761(a)(1)(v) exception to this Court’s original jurisdiction.” (at 14-15)

FACTUAL BACKGROUND

Jordan Spallone, a Pennsylvania State Police sergeant, alleged that a superior officer directed him to drop charges and alter investigative findings. After reporting the alleged wrongdoing to higher-level PSP officials, he claimed that the PSP subjected him to an internal affairs investigation, attempted to remove him from field command, transferred him toward desk duties, and denied him promotions. Lauren Spallone, also a PSP sergeant and Jordan's wife, alleged that she was denied promotions because of her relationship to Jordan. Both sought relief under the Pennsylvania Whistleblower Law, including promotions, restoration of pay and employment rights, and damages.

PROCEDURAL HISTORY

The Spallones filed amended Whistleblower Law complaints in the Court of Common Pleas of Westmoreland County. The trial court sustained the PSP's preliminary objections, concluded that the Commonwealth Court had exclusive original jurisdiction over the claims, and ordered transfer. The trial court certified the interlocutory orders for appeal, the Commonwealth Court granted permission to appeal, and the matters were consolidated and argued en banc.

DISPOSITION

affirmed

REMAND INSTRUCTIONS

The Court of Common Pleas of Westmoreland County was directed to effectuate transfer of the consolidated cases to the Commonwealth Court for adjudication in its original jurisdiction.

CASES CITED

- Balshy v. Rank, 490 A.2d 415 (Pa. 1985)
- Miles v. Beard, 847 A.2d 161 (Pa. Cmwlt. 2004)
- Hill v. Department of Environmental Protection, 679 A.2d 773 (Pa. 1996)
- Stackhouse v. Commonwealth, 832 A.2d 1004 (Pa. 2003)
- Lynn v. Smith, 566 A.2d 360 (Pa. Cmwlt. 1989)
- Hazleton Area School District v. Bosak, 671 A.2d 277 (Pa. Cmwlt. 1996)
- O'Rourke v. Department of Corrections, 778 A.2d 1194 (Pa. 2001)
- Zenak v. Police Athletic League of Philadelphia, 132 A.3d 541 (Pa. Cmwlt. 2016)
- Javitz v. Luzerne County, 344 A.3d 505 (Pa. Cmwlt. 2025)
- Carpenter v. William Penn School District, 295 A.3d 22 (Pa. Cmwlt. 2023)
- Golashevsky v. Department of Environmental Resources, 683 A.2d 1299 (Pa. Cmwlt. 1996)
- Martin v. Zoning Hearing Board of West Vincent, 230 A.3d 540 (Pa. Cmwlt. 2020)
- Bradley v. West Chester University, 2020 WL 118614 (Pa. Cmwlt. Jan. 10, 2020) (unreported)
- Vance v. Cheyney University of Pennsylvania, 2021 WL 2834612 (Pa. Cmwlt. July 8, 2021) (unreported)
- Lee v. Department of Corrections, 2022 WL 2720095 (Pa. Cmwlt. July 14, 2022) (unreported)
- Harrison v. Health Network Laboratories Ltd. P'ships, 232 A.3d 674 (Pa. 2020)
- Weaver v. Harpster, 975 A.2d 555 (Pa. 2009)