

COMMONWEALTH COURT OF PENNSYLVANIA

K.B. v. Delaware County Office of Judicial Support, and Mary J. Walk, in her official capacity as Director of the Delaware County Office of Judicial Support

K.B. · No. 446 M.D. 2023 · Decided June 27, 2025

SUMMARY

The Commonwealth Court of Pennsylvania granted in part and denied in part K.B.'s application for judgment on the pleadings concerning the failure to process and disseminate an unconditional expungement order. The court held that the Delaware County Office of Judicial Support had a ministerial duty to implement the order and violated the Criminal History Record Information Act, entitling K.B. to actual damages and attorney's fees. The court denied punitive damages and the constitutional reputation claim at that stage because factual development was required, and denied injunctive relief as moot because the expungement was subsequently processed.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                                                                                               |
|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Commonwealth Court of Pennsylvania                                                                                                                                                                                                                                                                                                                                                            |
| WRITING FOR THE COURT | Lori A. Dumas; Renée Cohn Jubelirer, President Judge; Patricia A. McCullough, Judge; Michael H. Wojcik, Judge; Christine Fizzano Cannon, Judge; Lori A. Dumas, Judge; Stacy Wallace, Judge; Matthew S. Wolf, Judge                                                                                                                                                                            |
| JURISDICTION          | Commonwealth Court of Pennsylvania                                                                                                                                                                                                                                                                                                                                                            |
| DECIDED               | June 27, 2025                                                                                                                                                                                                                                                                                                                                                                                 |
| DOCKET                | 446 M.D. 2023                                                                                                                                                                                                                                                                                                                                                                                 |
| DISPOSITION           | other                                                                                                                                                                                                                                                                                                                                                                                         |
| PROCEDURAL POSTURE    | Petitioner's application for summary relief in the form of judgment on the pleadings in an original-jurisdiction petition for review.                                                                                                                                                                                                                                                         |
| STANDARD OF REVIEW    | On a motion for judgment on the pleadings, the court accepts the opposing party's allegations as true, considers the pleadings and properly attached documents, and grants relief only when there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law. The motion may be granted only when the law is clear that a trial would be fruitless. |
|                       |                                                                                                                                                                                                                                                                                                                                                                                               |

|                           |                                                                                                                                                          |
|---------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>PRECEDENTIAL VALUE</b> | published                                                                                                                                                |
| <b>PARTIES</b>            | K.B. v. Delaware County Office of Judicial Support, Mary J. Walk, in her official capacity as Director of the Delaware County Office of Judicial Support |

## TOPICS

[motion for judgment on the pleadings](#)
[civil procedure](#)
[statutory interpretation](#)
[declaratory judgment](#)
[damages](#)

## PRACTICE AREAS

[civil procedure](#)
[criminal procedure](#)
[constitutional law](#)
[remedies](#)
[statutory interpretation](#)

## QUESTIONS PRESENTED

1. Whether the Delaware County Office of Judicial Support and its director had a ministerial, nondiscretionary duty to docket, disseminate, and implement the unconditional expungement order without imposing an additional court-cost condition.
2. Whether the Office violated the Criminal History Record Information Act by failing to docket and disseminate the expungement order and maintain accurate criminal-history information.
3. Whether K.B. was entitled on the pleadings to actual damages, litigation costs, and attorney's fees under the Criminal History Record Information Act.
4. Whether K.B. was entitled on the pleadings to punitive damages based on a willful Criminal History Record Information Act violation.
5. Whether respondents' failure to process and promulgate the expungement order established a violation of K.B.'s right to reputation under article I, section 1 of the Pennsylvania Constitution.

## HOLDINGS

1. The Delaware County Office of Judicial Support and its director had a ministerial, nondiscretionary duty to follow Judge Scanlon's unconditional expungement order and could not impose an additional condition requiring payment of outstanding court costs.
2. The Delaware County Office of Judicial Support violated the Criminal History Record Information Act by failing to docket and disseminate the expungement order and by maintaining inaccurate criminal-history information; the director did not personally violate CHRIA because the statutory definition of criminal justice agency did not encompass the director individually.
3. K.B. was aggrieved by the Office's CHRIA violation and was entitled on the pleadings to actual damages, litigation costs, and attorney's fees against the Office.
4. K.B. was not entitled to judgment on the pleadings for punitive damages because whether the Office's CHRIA violation was willful required development of a factual record.

5. The court could not determine on the pleadings whether respondents' handling of the expungement order violated K.B.'s right to reputation under article I, section 1 of the Pennsylvania Constitution.

#### KEY QUOTATIONS

*“Respondents were required to perform their ministerial duties by following Judge Scanlon’s order and expunging Petitioner’s marijuana possession conviction, and acted unlawfully by failing to do so.”* (5)

*“We consequently conclude that a determination regarding whether Respondents’ handling of Judge Scanlon’s order violated Petitioner’s constitutional right to reputation cannot be made on the pleadings alone.”* (10)

#### FACTUAL BACKGROUND

In January 2023, K.B. received an unconditional pardon from Governor Tom Wolf for a 2019 Delaware County marijuana-possession conviction. The Delaware County Court of Common Pleas subsequently granted K.B.'s expungement petition and issued an unconditional order directing all relevant criminal justice agencies to expunge the conviction. The Delaware County Office of Judicial Support nevertheless conditioned implementation of the order on payment of outstanding court costs, although it later processed and promulgated the order after K.B. filed suit.

#### PROCEDURAL HISTORY

K.B. received an unconditional gubernatorial pardon for a 2019 marijuana-possession conviction and obtained an order from the Delaware County Court of Common Pleas directing expungement. The Delaware County Office of Judicial Support and its director initially declined to process the expungement unless K.B. paid outstanding court costs. K.B. filed an original-jurisdiction petition for review seeking declaratory, injunctive, and monetary relief, and then sought judgment on the pleadings. While the litigation was pending, respondents processed and promulgated the expungement order.

#### DISPOSITION

other

#### REMAND INSTRUCTIONS

The court did not expressly order a remand. The claim for punitive damages remained fact-dependent, and the constitutional reputation claim could not be resolved on the pleadings.

#### CASES CITED

- *Stilp v. Gen. Assembly*, 929 A.2d 660, 662 (Pa. Cmwlth. 2007)
- *Stoppie v. Johns*, 720 A.2d 808, 809 (Pa. Cmwlth. 1998)
- *In re Admin. Ord. No. 1-MD-2003*, 936 A.2d 1, 9 (Pa. 2007)
- *Warner v. Cortese*, 288 A.2d 550, 552 (Pa. Cmwlth. 1972)
- *Com. v. Williams*, 106 A.3d 583, 588 (Pa. 2014)
- *Thompson v. Cortese*, 398 A.2d 1079, 1081 (Pa. Cmwlth. 1979)

- Com. v. C.S., 534 A.2d 1053, 1054 (Pa. 1987)
- Kmonk-Sullivan v. State Farm Mut. Auto. Ins. Co., 788 A.2d 955, 962 (Pa. 2001)
- Haron v. Pa. State Police, 171 A.3d 344, 353 (Pa. Cmwlth. 2017)
- Spahn v. Zoning Bd. of Adjustment, 977 A.2d 1132, 1149 (Pa. 2009)
- Ams. for Fair Treatment, Inc. v. Phila. Fed'n of Teachers, 150 A.3d 528, 533 (Pa. Cmwlth. 2016)
- P.R. v. Pa. Dep't of Pub. Welfare, 759 A.2d 434, 437 (Pa. Cmwlth. 2000)
- Mountz v. Columbia Borough, 260 A.3d 1046, 1050 n.4 (Pa. Cmwlth. 2021)
- Leventakos v. Workers' Comp. Appeal Bd. (Spyros Painting), 82 A.3d 481, 484 n.4 (Pa. Cmwlth. 2013)
- R.W. v. Dep't of Educ. (Pro. Standards & Pracs. Comm'n), 304 A.3d 79, 93 (Pa. Cmwlth. 2023), appeal granted sub nom. R.W. v. Dep't of Educ., 321 A.3d 862 (Pa. 2024)
- Com. v. Wallace, 97 A.3d 310, 319 (Pa. 2014)
- Street Road Bar & Grille, Inc. v. Pa. Liquor Control Bd., 876 A.2d 346, 356-57 (Pa. Cmwlth. 2005)

---

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/commonwealth-court-of-pennsylvania-commonwealth-court-of-pennsylvania/2025/k-b-v-delaware-county-office-of-judicial-support-and-mary-j-pxu02l88>