

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
TRIAL DIVISION – CIVIL

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LANCE HAVER and DENISE DEVLIN,	:	October Term 2025
	:	
Plaintiffs,	:	No. 972
	:	
v.	:	Commerce Program
	:	
SOUTHEASTERN PENNSYLVANIA	:	Control Number 26010592
TRANSPORTATION AUTHORITY,	:	
	:	
Defendant.	:	

ORDER

AND NOW, this 7th day of April 2026, upon consideration of the Motion to Stay All Proceedings Pending Appellate Review and Outcome of Prior Pending Action filed by Defendant Southeastern Pennsylvania Transportation Authority (SEPTA), the Response in Opposition filed by Plaintiffs Lance Haver and Denise Devlin, Replies, and the attached Opinion, it is hereby **ORDERED and DECREED** that the Motion is **DENIED**.

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APR - 8 2026
R. FOOTELL
COMMERCE PROGRAM

BY THE COURT:


PAULA A. PATRICK, S.J.

ORDOP:Haver Vs Southeastern Pennsylvania Transportation [RCP]



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OPINION

I. INTRODUCTION

Before the Court is Defendant Southeastern Pennsylvania Transportation Authority's ("SEPTA") Motion to Stay All Proceedings Pending Appellate Review and Outcome of Prior Pending Action. After careful consideration of the Motion, the responses, replies, and the procedural posture of the related litigation, the Court exercises its discretion to **DENY** the requested stay.

This action arises under 74 Pa. C.S. §1741(a)(15) of the Metropolitan Transportation Authorities Act ("MTAA"), pursuant to which Plaintiffs challenge SEPTA's implementation of a fare increase as a manifest and flagrant abuse of discretion and error of law. SEPTA seeks to halt these proceedings based upon a separately filed action and a pending Commonwealth Court appeal. The Court concludes that SEPTA has not met its burden to justify the extraordinary remedy of a stay.

II. PROCEDURAL POSTURE

Plaintiffs commenced this action on October 8, 2025, challenging SEPTA's fare increase under the MTAA. A prior action¹, filed in August 2025, addressed SEPTA's service cuts and fare increase and resulted in partial injunctive relief. That matter is presently subject to appellate review in the Commonwealth Court. SEPTA contends that the overlap between the two proceedings requires this Court to stay the present action. The Court has reviewed the filings in both matters to the extent necessary to assess whether a stay is warranted.

III. DISCUSSION

A trial court possesses broad discretion to grant or deny a stay or place a matter in abeyance, and this Court will not interfere with this determination absent an abuse of discretion. *In re Penn-Delco School Dist.*, 903 A.2d 600, 606–07 (Pa. Commw. 2006) citing *Gwynedd Props., Inc. v. Bd. of Supervisors of L. Gwynedd Twp.*, 635 A.2d 714 (Pa. Commw.Ct. 1993). Within its discretion, a trial court possesses the inherent power to stay a case during the pendency of another matter which may resolve the stayed case. *Id.*

Under Pennsylvania law, the question of a pending prior action “is purely a question of law determinable from an inspection of the pleadings.” *Crutchfield v. Eaton Corp.*, 806 A.2d 1259, 1262, (Pa. Super. 2002). This Court has already denied SEPTA's request to dismiss this action based on its preliminary objection raising prior pending action. The Court found that the strict identity test for application of prior pending action was not met. Now, the question is whether this action involves a set of circumstances where the litigation of two suits would create a duplication of effort on the part of the parties, waste judicial resources and “create the unseemly spectacle of

¹ The prior action is *Haver et al. v. SEPTA*, 2408-3184 (Philadelphia County).

a race to judgment,” requiring a stay of this action. *Crutchfield v. Eaton Corp.*, 806 A.2d 1259, 1262, (Pa.Super.2002). After careful consideration, this Court finds that a stay is not warranted.

A. SEPTA Has Not Established Identity of Causes of Action Warranting a Stay.

SEPTA’s primary contention—that this action is duplicative of the prior litigation—overstates the degree of overlap between the two cases. The present action asserts a statutory claim under 74 Pa. C.S. §1741(a)(15) challenging the legality of SEPTA’s fare increase, including whether SEPTA complied with its statutory obligations with public hearing requirements of its enabling legislation before enacting the fare increase. Plaintiffs allege that the fare increase constitutes a “manifest and flagrant abuse of discretion”. (Docket (Dkt.) 11-19-25, Amended Complaint, ¶ 115-116.

By contrast, the prior action has proceeded through multiple iterations and includes broader challenges, including constitutional claims and issues relating to service reductions. (Dkt. *Haver et al. v. SEPTA*, 2508-3184, 8-27-25, Complaint). While both matters arise from SEPTA’s FY-2026 budget, they do not present identical causes of action or seek identical relief. (Docket (Dkt.) 11-19-25, Amended Complaint, ¶ 115-116; Dkt. *Haver et al. v. SEPTA*, 2508-3184, 8-27-25, Complaint). While there may be some overlap, this overlap will not constitute a waste of judicial resources nor create the spectacle of a race to judgment as the causes of action are not coextensive.

Moreover, any concern for duplication of effort or inconsistency is at best speculative. To justify a stay, the risk of inconsistency must be concrete and substantial—not merely theoretical. Here, the differences in claims alleged, procedural posture of the cases, and scope of relief sought significantly reduce any likelihood of conflicting determinations. In the event any concern for inconsistency or duplication of effort arises in the future, the Court retains the ability to manage

its docket and address any concerns through tailored case management measures. The request for a stay based on the identity of the causes of action is denied.

B. The Commonwealth Court Appeal Will Not Dispose of This Action

SEPTA further argues that the pending Commonwealth Court appeal may resolve or materially affect the issues presented here. The Court is not persuaded. The appeal arises from preliminary injunction proceedings and addresses issues that are procedurally and substantively distinct from the claims asserted in this case. Importantly, the appellate court is not positioned to adjudicate the full scope of Plaintiffs' statutory claims concerning SEPTA's fare increase as pleaded here and therefore a stay is not warranted.

C. Judicial Economy and Fairness Weigh Against Imposition of a Stay.

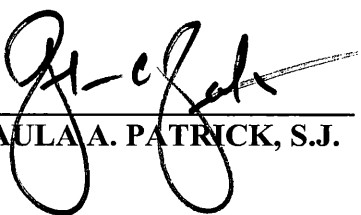
The Court also considers the practical consequences of a stay. This action concerns ongoing fare increases affecting a broad segment of the public. Granting a stay pending appellate proceedings of uncertain duration would delay resolution of statutory claims affecting public interests and impede development of the factual record; and risk prejudice to Plaintiffs and similarly situated individuals. Pennsylvania courts have consistently recognized that stays should not be granted where they serve primarily to delay adjudication without a commensurate benefit to judicial economy.

V. CONCLUSION

SEPTA has not carried its burden of demonstrating that a stay is necessary or appropriate. The Court finds that the present action is not coextensive with the prior action; the pending appeal will not dispose of the claims before this Court; and

the asserted risk of inconsistent adjudications is insufficient to justify the extraordinary relief requested. Exercising its discretion, the Court declines to stay these proceedings.

BY THE COURT:



PAULA A. PATRICK, S.J.