IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

DAVID A. HUFFMAN,	:	**NO. 2025-01591**
Lycoming County Register and Recorder,	:	
Plaintiff	:	
	:	
vs.	:	**CIVIL ACTION - LAW**
	:	
SCOTT METZGER,	:	
MARC S. SORTMAN, and	:	
MARK A. MUSSINA,	:	
Lycoming County Commissioners; and	:	
COUNTY OF LYCOMING,	:	
Defendants	:	

FILED
LYCOMING COUNTY
2025 NOV 13 PM 12: 26
HOLLY A. THOMAS
PROTHONOTARY &
CLERK OF COURTS

ORDER

AND NOW, this 13th day of November, upon due consideration of the briefs and arguments of counsel, it is hereby ORDERED that Lycoming County's Renewed Motion for Summary Judgment is hereby GRANTED, Plaintiff's Petition for Injunctive Relief is DISMISSED, and the Plaintiff's request for mandamus relief is DENIED, for the following reasons:

1. These proceedings wherein the Register of Wills and Recorder of Deeds of Lycoming County ("Register") opposes the relocation of the office out of the courthouse to a county building across the street by the County Commissioners is statutorily governed by 16 Pa.C.S.A. § 12305(d): "The County Commissioners shall, after consultation with an officer, furnish each office with an office and additional space in the county office, courthouse or other building at the county seat sufficient to perform the duties of the office."

2. The issue is whether there has been "consultation" with the Register before the County Commissioners acted by resolution to proceed.

3. Although the Register contends that whether the "consultation" occurred is a factual finding, a fact in dispute, thereby precluding summary judgment under Pa.R.Civ.P. 1035.2, the term is actually a legal determination for the court. The Superior Court decision in Cogley v. Duncan, 32 A.3d 1288 (Pa.Super.2011) is instructive. The issue therein was whether a complaint was "filed" by a certain date after the statute of limitations had expired. The court explained that the term "file" has a legal meaning. As explained, a court can't ask a fact-finder to resolve whether a complaint has been "filed". Likewise, here "consultation" is a legal determination for the court as to statutory compliance.

4. As recommended in this court's prior order, there were two meetings that undisputedly took place: a two-hour meeting between the County Commissioners and Register on August 4, 2026 and a Commissioners regular meeting on September 20, 2026, with the proposed relocation on both agendas with minutes taken.

5. The fact that each meeting occurred and the minutes were taken are judicial admissions properly accepted as undisputed from the filings since the prior order. As noted in John B. Conomos, Inc. v. Sun Company, Inc., 831 A.2d 696 (Pa.Super.2003): "Statements of fact by one party in pleadings, stipulations, testimony, and the like, made for that party's benefit, are termed judicial admissions and are binding on the party." Id. At 712-13, quoted in Cogley v. Duncan, supra at 1292. Moreover, "{i}t is well established that a judicial admission is an express waiver made in court or preparatory to trial by a party or his attorney, conceding for the purposes of trial, the truth of the admission." Nasim v. Shamrock Welding Supply Co., Inc., 563 A.2d 1266, 1267 (Pa.Super.1989)(averments in a petition to join additional

defendants). Here, see the Register's emergency motions for a stay, and the Reply to Defendants Statement of Undisputed Facts.

6. The meeting of August 4, 2026 lasted over two hours and was memorialized in minutes. The parties attended along with staff and counsel. The Register outlined his concerns, chief among them were the safety of the public, his staff and the records. He stressed the need to have the benefit of courthouse security and to be in close proximity to the courts by being in the same building. There is a concern about moving records across the street. He requested "manned security" at all times. Also, an independent architect and another expert engaged for review. The County Commissioners expressed the need to reconfigure the courthouse for more holding cells for defendants, and for the proper functioning of the Sheriff's department and Adult Probation in court related duties there. The Sheriff stated he would increase roving patrols. The Commissioners indicated a full-time security presence at the other building was a budgetary concern. Staff members of the Register's office reiterated safety concerns as well as the proper handling for preservation of the records transferring over to the other building. The county facility manager calculated there would be a small increase in square footage, and the benefit of the former bank vault to secure records.

7. Subsequent thereto, as recommended by this court's prior order, a public Commissioners meeting was held on September 10, 2026, for formal action after discussion. Minutes were provided of the comments. Two title abstractors addressed the Commissioners, one in favor and one opposed the move due to inconvenience. The three Commissioners all stated their reasons in support of the resolution. It was noted that five other elected officials

have their offices in the county building. At the conclusion, it was an unanimous vote to proceed with relocating the Register's office.

8. It is not within this court's role to weigh the respective positions as to the propriety of the relocation.

9. As a matter of law, this court concludes that the statutory requirement of "consultation" with the Register has been met by the County Commissioners so as to now proceed based on the Resolution at the meeting of September 10, 2026 for the relocation of the Register's office from the courthouse to the county building across the street.

BY THE COURT,

Charles H. Saylor, Senior Judge

CC: J. Michael Wiley, Esquire
Gregory Stapp, Esquire
Court Administration