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ENTERED AND FILED  
2018 JUN 20 PM 3: 12  
PROTHONOTARY'S OFFICE  
LANCASTER, PA

I certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

**IN THE COURT OF COMMON PLEAS OF LANCASTER COUNTY, PENNSYLVANIA  
CIVIL ACTION—LAW**

CITY OF LANCASTER,  
Plaintiff,

vs.

No. CI-18-04365

DWAIN S. LONDON,  
CARMEN IVY LONDON,  
MARTIN NORRIS, JEFF LOY,  
BARON BROWN, TRACY BOWMAN,  
GARY CLARK, and  
CHRIS MCOUGHLEN  
Defendants.

**ANSWER OF THE CITY OF LANCASTER  
TO MOTION OF MARIE CHAMBERS TO INTERVENE**

1. Admitted, on information and belief.
2. Admitted. However, the rental relationship is illegal because the property is not licensed as a rooming/boarding house.
3. Admitted, with the proviso that the relationship is illegal.
4. Neither admitted nor denied.
5. Neither admitted nor denied.

6. Denied. The City of Lancaster was completely unaware of London's pervasive illegal system of rooming/boarding houses until the series of inspections, which occurred in mid-May, 2018. Strict proof is demanded of this allegation.

7. Denied for reasons stated below.

8. This is a conclusion of law to which no response is granted.

9.-11. The answering party has no information.

12. The pending actions would not render Ms. Chambers homeless. If the other individuals were evicted and she remained the sole tenant on the property, the City would consent to her continued occupancy so long as the property met code and was occupied in accordance with a single-unit residency permit.

13. Denied for reasons stated in Paragraph 12.

14. Denied for reasons stated in Paragraph 12.

**NEW MATTER**

Intervention is governed by Pennsylvania Rule of Civil Procedure 2327, which provides as follows:

At any time during the pendency of an action, a person not a party thereto shall be permitted to intervene therein, subject to these rules if

(1) the entry of a judgment in such action or the satisfaction of such judgment will impose any liability upon such person to indemnify in whole or in part the party against whom judgment may be entered; or

(2) such person is so situated as to be adversely affected by a distribution or other disposition of property in the custody of the court or of an officer thereof; or

(3) such person could have joined as an original party in the action or could have been joined therein; or

(4) the determination of such action may affect any legally enforceable interest of such person whether or not such person may be bound by a judgment in the action.

Petitioner is not entitled to intervene under Rule 2327(1) because the entry of an order would not impose any liability of indemnification upon the petitioning party; Petitioner is not entitled to intervene under Rule 2327(2) because no property is being distributed that would affect her and there is no property in the custody of the court or an officer; Petitioner is not entitled to intervene under Rule 2327(3) because there was no basis under which to join her as an original party because Petitioner, as the occupant, was not responsible to the City of Lancaster; and Petitioner is not entitled to intervene under Rule 2327(4) because Petitioner has no legally enforceable interest in that she is a resident of an illegal rooming/boarding house and the law does not protect illegal contracts.

WHEREFORE, the City requests that the Motion for Intervention be denied.

Respectfully submitted,

ZIMMERMAN, PFANNEBECKER,  
NUFFORT & ALBERT, LLP

Dated: June 20, 2018

By: 

Neil L. Albert, Esquire  
Attorney I.D. No. 23368

Barry N. Handwerger, Esquire  
Attorney I.D. No. 72975

Attorneys for the City of Lancaster  
22 South Duke Street  
Lancaster, PA 17602  
(717) 299-0711

VERIFICATION

I, Neil L. Albert, Esquire, of the law firm of ZIMMERMAN, PFANNEBECKER, NUFFORT & ALBERT, LLP, verify that I am the attorney for the Plaintiff herein and that I have its permission to sign this Verification on its behalf. I further verify the statements made in the foregoing Answer of the City of Lancaster to Motion of Marie Chambers to Intervene are true and correct to the best of my knowledge, information, and belief. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities.

DATED: June 20, 2018



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Defendants.

**CERTIFICATE OF SERVICE**

I, Neil L. Albert, Esquire, hereby certify that on June 20, 2018, I served a true and correct copy of the Answer of the City of Lancaster to Motion of Marie Chambers upon the following person and in the manner indicated below:

Service by Electronic Mail addressed as follows:

James Orgass, Esquire  
MidPenn Legal Services  
38 N. Christian St., Suite 200  
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(717) 299-0971 x3433  
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ZIMMERMAN, PFANNEBECKER,  
NUFFORT & ALBERT, LLP

Dated: Jun 20<sup>th</sup> 2018

By: 

Neil L. Albert, Esquire  
Attorney I.D. No. 23368

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