



Club, 503 U.S. 914, 112 S. Ct. 1282, 117 L. Ed.2d 507 (1992).

3. The summary judgment motion of plaintiffs Wendolyn Pleasant, Renee Sanders, Donna Ray, Patricia Brady, and the Tenants' Action Group is granted in part and denied in part. Fed. R. Civ. P. 56.

- Granted as to plaintiffs' claim that the supersedeas bond requirement of Philadelphia Municipal Court Rule 124(c)(2), as applied to indigent tenants unable to enter the necessary security, violates procedural and substantive due process under the Fourteenth Amendment to the United States Constitution. Cf. Lecates v. Justice of the Peace, Court No. 4 of the State of Delaware, 637 F.2d 898, 909 (3d Cir. 1980) ("Having granted civil defendants . . . a constitutional right to a jury trial, [a state] may not, consonant with due process, make a defendant's opportunity to enjoy the right dependent on the amount of money he has."); Smith v. Coyne, NO. GD97-4011 (Allegheny County Court of Common Pleas, memorandum and order, Sept. 4, 1997, as amended by order of Oct. 7, 1997) (applying Pa. Const. art. I, § 6).

- Denied as to claim that the supersedeas bond requirement violates equal protection under the Fourteenth Amendment. See Lindsay v. Normet, 405 U.S. 56, 77, 92 S. Ct. 862, 876, 31 L. Ed.2d 36 (1972) (requirement of adequate security before an appeal to preserve property at issue, to guard a damage award, or to insure a landlord against loss of rent if tenant remains in possession satisfies rational basis test).

- Denied as to claim that the 10-day appeal period for

residential tenants under Philadelphia Municipal Court Rule 124(b) violates due process and equal protection under the Fourteenth Amendment. See Lindsay, 405 U.S. at 64-65, 92 S. Ct. at 869-70 (due process); id. at 72-73, 92 S. Ct. at 873-74 (equal protection).

4. Conversely, the summary judgment motions of defendants Evers and the Apartment Association of Greater Philadelphia are granted in part and denied in part, as noted above, ¶ 3. Fed. R. Civ. P. 56.

5. By April 29, 1998 a proposed order for appropriate injunctive relief, see supra ¶ 3, shall be submitted by movants, after consultation with non-movants.

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Edmund V. Ludwig, J.