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March 28, 2024



CAPTION

The Faithful Laurentians, by Their Trustees Ad Litem, Carolyn Devine and Venise Whitaker,

Appellants

٧.

City of Philadelphia, Zoning Board of

Adjustment

٧.

1600 Berks, LLC

CASE INFORMATION

Initiating Document: Notice of Appeal

Case Status: Closed

Case Processing Status: April 2, 2019 Completed

Journal Number: 55-11-2018

Case Category: Civil Case Type(s): Zoning/Land Use

CONSOLIDATED CASES RELATED CASES

COUNSEL INFORMATION

Appellant Whitaker, Venise

Pro Se: No

IFP Status:

Attorney: Schirmer, Henry Louis

Law Firm: Law Offices of Henry L. Schirmer Jr., Esq.

Address: 1805 Ridge Rd

Sellersville, PA 18960

Phone No: (215) 257-7164 Fax No:

Appellant The Faithful Laurentians

Pro Se: No

IFP Status:

Attorney: Schirmer, Henry Louis

Law Firm: Law Offices of Henry L. Schirmer Jr., Esq.

Address: 1805 Ridge Rd

Sellersville, PA 18960

Phone No: (215) 257-7164 Fax No:

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COUNSEL INFORMATION

Appellant Devine, Carolyn

Pro Se: No

IFP Status:

Attorney: Schirmer, Henry Louis

Law Firm: Law Offices of Henry L. Schirmer Jr., Esq.

Address: 1805 Ridge Rd

Sellersville, PA 18960

Phone No: (215) 257-7164 Fax No:

Appellee Linden Lane Captial Partners LLC

Pro Se: No

IFP Status:

Attorney: Laver, Adam Eric Law Firm: Blank Rome LLP

Address: 1 Logan Sq 130 N 18th St

Philadelphia, PA 19103

Phone No: (215) 569-5764 Fax No:

Attorney: Mattioni, Michael J.
Law Firm: Mattioni, Ltd.
Address: Mattioni Ltd

100 N Independence Mall W Ste 5A NW

Philadelphia, PA 19106-2199

Phone No: (215) 629-1600 Fax No:

Appellee City of Philadelphia

Pro Se: No

IFP Status:

Attorney: Reuter, Leonard F.

Address: Philadelphia Law Department

1515 Arch Street; 16th Floor Philadelphia, PA 19102

Phone No: (215) 683-5064 Fax No:

Attorney: Diffily, Kelly Susan
Address: City of Phila Law Dept

1515 Arch St

Philadelphia, PA 19102-1595

Phone No: (215) 683-5010 Fax No:

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COUNSEL INFORMATION

Appellee 1600 Berks, LLC

Pro Se: No

IFP Status:

Attorney: Paszamant, Brian S. Law Firm: Blank Rome LLP

Address: 1 Logan Sq 130 N 18th St

Philadelphia, PA 19103

Phone No: (215) 569-5791 Fax No:

Attorney: Mattioni, Michael J.
Law Firm: Mattioni, Ltd.
Address: Mattioni Ltd

100 N Independence Mall W Ste 5A NW

Philadelphia, PA 19106-2199

Phone No: (215) 629-1600 Fax No:

Attorney: Alderfer, Sarah Law Firm: Mattioni, Ltd.

Address: 100 N Independence Mall W Ste 5anw

Philadelphia, PA 19106

Phone No: (215) 629-1600 Fax No:

FEE INFORMATION

Fee Dt	Fee Name	Fee Amt Receipt Dt	Receipt No	Receipt Amt
09/29/2017	Notice of Appeal	85.50 10/16/2017	2017-CMW-H-002243	85.50
07/25/2018	Petition for Reconsideration - Original Jurisdiction	15.00 07/25/2018	2018-CMW-H-001716	15.00

AGENCY/TRIAL COURT INFORMATION

Notice of Appeal Filed:

September 29, 2017

Order Appealed From: August 29, 2017

Order Type: Order

Documents Received: October 16, 2017

Court Below:

County: Division: Judge: OTN:

Docket Number: Case No. 161200058 Judicial District:

Court Below: Philadelphia County Court of Common Pleas

County: Philadelphia Division: Philadelphia County Civil Division

Judge: Anders, Daniel J. OTN:

Docket Number: December Term 2016 No. 00058 Judicial District: 01

ORIGINAL RECORD CONTENT

Original Record Item Filed Date Content Description

Trial Court Record November 30, 2017
Trial Court Opinion November 30, 2017
Testimony January 17, 2018

Date of Remand of Record: April 2, 2019

BRIEFING SCHEDULE

Appellant Appellee

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Amended Brief



DK	IEFI	СПЕ	DULE

Appellant Appellee

The Faithful Laurentians 1600 Berks, LLC

Brief

Due: March 20, 2018 Filed: March 20, 2018 Due: Filed: April 27, 2018

Due: June 1, 2018 Filed: May 10, 2018

Brief

Due: January 26, 2018 Filed: January 29, 2018 City of Philadelphia

Brief

Reproduced RecordDue: June 1, 2018 Filed: May 10, 2018

Due: January 26, 2018 Filed: January 29, 2018

Due: March 20, 2018 Filed: March 20, 2018 Linden Lane Captial Partners LLC

Brief

Zoning Board of Adjustment

Brief

		DOCKET ENTRY		
Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
September 29, 2017	Notice of Appeal Filed			
	The Faithful Laurentians		Appellant	
	Devine, Carolyn		Appellant	
	Whitaker, Venise		Appellant	
October 20, 2017	Notice of Docketing Appeal Exited			10/20/2017
	Commonwealth Court Filing			
	Office			
November 30, 2017	Trial Court Record Received			
	Philadelphia County Civil Division			
November 30, 2017	Trial Court Opinion Received			
	Philadelphia County Civil Division			
November 30, 2017	Briefing Schedule Issued			
	Commonwealth Court Filing			
	Office			
December 12, 2017	Order Filed			12/13/2017
	Cohn Jubelirer, Renee			
Document Name:	it appearing that the Appellant has f	ailed to file and serve a docket	ing statement as required b	ру
Comment:	Section 501 of the Commonwer Appellant is hereby ordered to fi certificate of service in accordance entry of this order or the above capt	le and serve a complete do e with the instructions on th	ocketing statement with a ne docketing statement fo	II attachments and a
December 27, 2017	Docketing Statement Filed			
	Schirmer, Henry Louis	The Faithful Laurentians	Appellant	
	Schirmer, Henry Louis	Devine, Carolyn	Appellant	
	Schirmer, Henry Louis	Whitaker, Venise	Appellant	

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		DOCKET ENTRY		
Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
January 12, 2018	Dormant Order for Failure to Leavitt, Mary Hannah	File Appellant Brief Issued		01/12/2018
	the same have not been fi	orief and reproduced record were due Janua led, appellants' brief (4 copies) and rep of the exit date of this Order or the ab	roduced record (4	copies) shall be file
January 16, 2018	Entry of Appearance Diffily, Kelly Susan	City of Philadelphia	Appellee	
January 17, 2018	Transcripts of Testimony Court Reporters, Digital Recording, and Interpreters Administration - First Judicial District of Pennsylvania			
January 29, 2018	Appellant's Brief and Reprodu The Faithful Laurentians	uced Record Combined Filed	Appellant	
January 31, 2018	Application for Extension of T Diffily, Kelly Susan	ime to File Brief - First Request City of Philadelphia	Appellee	
February 1, 2018	Order Granting Application fo Krimmel, Michael	r Extension of Time to File Appellee Brief		02/02/2018
		ee City of Philadelphia's request for ext. of t est is not opposed, said request is gra on or before April 4, 2018.		
March 5, 2018	Entry of Appearance Mattioni, Michael J.	Linden Lane Captial Partners LLC	Appellee	
March 5, 2018	Application for Relief Mattioni, Michael J. Mattioni, Michael J. Paszamant, Brian S. Paszamant, Brian S.	Linden Lane Captial Partners LLC 1600 Berks, LLC Linden Lane Captial Partners LLC 1600 Berks, LLC	Appellee Appellee Appellee Appellee	
Document Name:	PRAECIPE Substitution of Pa	arty		
March 6, 2018	Application for Extension of T Mattioni, Michael J.	ime to File Brief - First Request 1600 Berks, LLC	Appellee	

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		DOCKET ENTRY		
Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
March 6, 2018	Appellant's Brief Not Accepted - Der Curiam	Directed to File Amended Brief		03/06/2018
	it appears that appellants have fill with the Pennsylvania Rules of Ap	ed a combined brief and reproduced reppellate Procedure because:	cord that does not co	omply
	a. the reproduced record lacks a by Pa.R.A.P. 2174;	table of contents as required		
	b. the brief and reproduced record limits. Pa.R.A.P. 217I(b); and	d, combined, exceed the page		
	c. the pages in reproduced record Pa.R.A.P. 2173.	are not properly numbered.		
	THEREFORE, it is hereby ordere	d:		
	1. Appellants' combined brief and	reproduced record is not accepted.		
	• •	nded combined brief and reproduced 21 of the Pennsylvania Rules of Anissed as of course.	, , ,	
	3. Appellees's brief shall be du reproduced record.	e, if at all, 30 days after service of	appellants' amende	d combined brief and
March 12, 2018	Send Back for Correction Commonwealth Court Filing Office	and the days by Days in a great by	file Application for De	oli e f
Document Name:		may not be done by Praecipe, must be	tile Appliction for Re	eliet.
March 20, 2018	Amended Brief of Appellant Filed The Faithful Laurentians		Appellant	
March 20, 2018	Appellant's Reproduced Record F	Filed		
	Schirmer, Henry Louis	The Faithful Laurentians	Appellant	
	Schirmer, Henry Louis	Devine, Carolyn	Appellant	
Document Name:	Schirmer, Henry Louis Amended Reproduced Record	Whitaker, Venise	Appellant	
April 3, 2018	Complied with Sendback			04/03/2018
April 3, 2016	Mattioni, Michael J.	Linden Lane Captial Partners LLC	Appellee	04/03/2016
	Mattioni, Michael J.	1600 Berks, LLC	Appellee	
	Paszamant, Brian S.	Linden Lane Captial Partners LLC	Appellee	
	Paszamant, Brian S.	1600 Berks, LLC	Appellee	
Document Name:	Application for Relief filed	,		
April 3, 2018	Application for Relief			
	Mattioni, Michael J.	1600 Berks, LLC	Appellee	
	Application for Substitution of 160 Duties of Linden Lane Captial Pa	00 Berks LLC as Appellee Party as Assi rtners, LLC.	gnee of All Rights an	d

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March 28, 2024				
		DOCKET ENTRY		
Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
April 18, 2018 Document Name:	Answer Filed Schirmer, Henry Louis Schirmer, Henry Louis Schirmer, Henry Louis In opposition to 1600 E. Berks LL	The Faithful Laurentians Devine, Carolyn Whitaker, Venise .c's Application to Substitue Party	Appellant Appellant Appellant	
April 19, 2018	Order Filed	<u> </u>		04/20/2018
	Party As Assignee of All Rights answer thereto, see Pa. R.A.P on the issue of whether 1600 parties shall file and serve their b	ied Application for Substitution of 1600 Es and Duties of Linden Lane Capital P. 123(c), the parties shall file briefs Berks, LLC may properly be substriefs (4 copies) no later than May 4, 201 merits of appellants' appeal is stayed	Partners LLC, and in support of the stituted as appelled 8.	appellants' unverifier ir respective positions e in this matter. Th
April 27, 2018	Appellee's Brief Filed			
Document Name:	Mattioni, Michael J. Brief in Support of Amended Appl 1600 Berks, LLC as Appellee	1600 Berks, LLC lication for Substitution of	Appellee	
		Linden Lane Captial Partners LLC 1600 Berks, LLC mended Application for Substitute of 16 enor Appellee Linden Lane Capital Partn		ssignee
April 27, 2018	Amended Mattioni, Michael J.	1600 Berks, LLC	Appellee	NII Di TT
	and Duties of Linden Lane Capita	rtion of 1600 Berks, LLC, as Appellee Pa al Partners, LLC	arty as Assignee of A	All Rights
April 30, 2018 Document Name:	Answer Filed Diffily, Kelly Susan To App. for Relief/Substitution	City of Philadelphia	Appellee	
May 2, 2018	Order Granting Application for Re McCullough, Patricia A.			05/03/2018
	application to substitute 1600 Capital Partners, LLC (Linden amended application for substitution), and the brief the amended application for sunot oppose, the amended application in this matter as reflect This Court's order dated April 19,	s, LLC's application for leave to file an a Berks, LLC, as assignee of all righ Lane), for appellee Linden Lane, the itution of 1600 Berks, LLC for appelin support, filed April 27, 2018, are substitution and the brief in support, wication for substitution is granted. The cted above, naming 1600 Berks, LL 2018, is vacated, and the stay of the eas' briefs (4 copies) shall be filed on or	ts and duties of a le application for I ellee Linden Lane accepted. Further, which appellee City e Chief Clerk is d C as appellee ins	eave is granted. The (amended application upon consideration of Philadelphia does lirected to amend the tead of Linden Lane

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		DOCKET ENTRY		
Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
May 10, 2018	Appellee's Brief Filed			
	Mattioni, Michael J.	1600 Berks, LLC	Appellee	
May 10, 2018	Joinder in Brief			
	Diffily, Kelly Susan	City of Philadelphia	Appellee	
Document Name:	Joins in the brief of appellee 1600	Berks		
June 21, 2018	Letter			06/21/2018
	Krimmel, Michael			
Document Name:	Letter to counsel and Vernice Whit	aker		
June 22, 2018	Application for Relief			
	Diffily, Kelly Susan	City of Philadelphia	Appellee	
	Mattioni, Michael J.	Linden Lane Captial Partners LLC	Appellee	
	Mattioni, Michael J.	1600 Berks, LLC	Appellee	
	Alderfer, Sarah	1600 Berks, LLC	Appellee	
Document Name:	Jt. App for a Rule to Show Cause	why the Appeal Should Not Be Dismis	sed as Moot for Lack	c of a
Comment:	Current Appellant			
June 22, 2018	Praecipe			
	Diffily, Kelly Susan	City of Philadelphia	Appellee	
Document Name:	Praecipe to Attach Verification to A	ppellees Jt. App for A Rule to Show C	ause	
July 16, 2018	Order Filed			07/16/2018
-	McCullough, Patricia A.			
Document Name:	argument on appellees' "Joint Appl	lication For a Rule to Show Cause Wh	y the Appeal Should	Not Be
Comment:	Dismiss and to which no answelephone conference call. The o	of a Current Appellant," which the wer has been filed, is scheduled conference call shall originate from hall be made to the offices of cour	for July 25, 2018 the chambers of a	3, at 10:00 a.m., by judge designated by
July 24, 2018	Answer to Rule to Show Cause Wi	hy Action Should Not Be Dismissed Fo	or Failure to Prosecu	te
	Schirmer, Henry Louis	The Faithful Laurentians	Appellant	
	Schirmer, Henry Louis	Devine, Carolyn	Appellant	
July 25, 2018	Application for Reconsideration			
= .	Schirmer, Henry Louis	The Faithful Laurentians	Appellant	
	Scrimmer, memy Louis	The Faithar Education	, ippoliarit	

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		DOCKET ENTRY		
Filed Date	Docket Entry / Filer	Representing	Participant Type E	xit Date
July 25, 2018	Order Granting Application for Relie Leadbetter, Bonnie Brigance	ef	0	7/25/2018
	upon consideration of appellees' "Jo Appeal Should Not Be Dismiss thereto, and the parties' arguments before this Court at the telephon to Show Cause is hereby issued dismissed as moot for lack of a serve a copy thereof on appellees of	ed as Moot For Lack of a e conference held on July 2 d against appellants as to w current appellant. If appellar	a Current Appellant," and a 5, 2018, the application is C thy the above-captioned acti	SRANTED. A Ruli
	Hearing on the response to the Number 3001, Third Floor, Fennsylvania.		-	
August 1, 2018	Order Filed Ceisler, Ellen		0	8/02/2018
	Hearing on the response to the Rul rescheduled to August 14, 2013 Judicial Center, 601 Commonwealt	8, at 2:30 p.m., in Courtro	om Number 3002, Third Fl	loor, Pennsylvania
August 3, 2018 Document Name:	Answer Filed Schirmer, Henry Louis Schirmer, Henry Louis Answer in Opposition to the Motion	The Faithful Laurentians Devine, Carolyn to Quash of the Faitful Laurent	Appellant Appellant iens, Through Carolynne Devi	ne
Comment:	and Venise Whitaker Trustees Ad L	item		
August 14, 2018 Document Name:	Filed - Other Schirmer, Henry Louis Schirmer, Henry Louis Verification of Carolyn Bechta - Dev	The Faithful Laurentians Devine, Carolyn vine	Appellant Appellant	
August 17, 2018	Application to Strike Schirmer, Henry Louis Schirmer, Henry Louis Motion to Stike Appellees' Briefs	The Faithful Laurentians Devine, Carolyn	Appellant Appellant	
August 17, 2018 Document Name:	Amended Schirmer, Henry Louis Schirmer, Henry Louis Schirmer, Henry Louis Amended App. to Strike	The Faithful Laurentians Devine, Carolyn Whitaker, Venise	Appellant Appellant Appellant	
August 23, 2018	Transcript Lodged Court Reporter			
Document Name:	Judge Covey Proceeding held Augu	ust 14, 2017		
August 29, 2018 Document Name:	Answer Filed Diffily, Kelly Susan Appellee The City of Philadelphia's	City of Philadelphia Response in Opposition to Mot	Appellee tion to Strike	

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	[DOCKET ENTRY		
Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
August 29, 2018	Memorandum and Order Covey, Anne E.			08/29/2018
	Memorandum and Order (6 pages): ⁻ See Memorandum and Order Filed.	This court's Rule, issued on July 25,	2018 is discharged.	
August 29, 2018	Letter			
		Linden Lane Captial Partners LLC	Appellee	
		1600 Berks, LLC	Appellee	
Document Name:	Joins in City of Phila's answer in oppo	osition to motion to strike		
September 4, 2018	Transcript Filed Court Reporter			
Document Name:	For Proceeding held August 14, 2018	1		
September 12, 2018	Order Filed			09/13/2018
Danimant Name	Simpson, Robert E. upon consideration of appellant's "Mo	stion to Strike Appellage' Priofe Dura	uant to Da DAD Na	106
Comment:	and Pa. R.C.P. No. 206. 7 (c) Up Evidence in Support of Their Rule submitted to the panel at the same tin appeal.	e to Show Cause" and appellee		
September 13, 2018	Tentative Session Date Krimmel, Michael			
Document Name:	November 2018 (Philadelphia)			
October 11, 2018	Argument Scheduled			10/11/2018
Dooumont Namo:	Krimmel, Michael For Thursday, November 15, 2018 at	0:30 a m. Refore a nanel of Judges	sitting in Court Poon	1.2
	Ninth Floor, Widener Building, 13: Case No. 55	•	-	
October 26, 2018	Order Filed Per Curiam			10/26/2018
Document Name:	the above-captioned matter, schedule	ed for oral argument before a panel	of judges' on Novemb	per 15,
	2018 in Courtroom No. 2, 9th Flor Philadelphia, Pennsylvania, shall be and location. The argument session of	oor, Widener Building, 1339 Che e heard at the end of the list of	stnut Street, One	South Penn Square
February 12, 2019	Affirmed			02/12/2019
Document Name:	Ceisler, Ellen Memorandum Opinion (14 pages)			
	The Court of Common Pleas of participate in the decision.	Philadelphia County's order is	AFFIRMED. Judg	ge Brobson did no
April 2, 2019	Remitted			
p =, = • . •	Commonwealth Court Filing Office			
D	DAGET ID. I N. I I I			

Document Name: PACFiled Record. No acknowledgement needed.

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SESSION INFORMATION

Journal Number: 55-11-2018

Consideration Type: Oral Argument - Panel Listed/Submitted Date: November 15, 2018

Panel Composition:

The Honorable Michael H. Wojcik

The Honorable Ellen Ceisler

The Honorable Bonnie Brigance Leadbetter

Senior Judge

DISPOSITION INFORMATION

Final Disposition:

Yes

Related Journal No:

Judgment Date:

Category: Decided Disposition: Affirmed

Disposition Author:

Disposition Date:

February 12, 2019

Judge Brobson did not

Ceisler, Ellen

Disposition Comment:

The Court of Common Pleas of Philadelphia County's order is AFFIRMED.

or i illiadcipilla ood

Dispositional Filing:

participate in the decision.

Memorandum Opinion

Filed Date: 2/12/2019 12:00:00AM

Filing Author: Ceisler, Ellen

REARGUMENT / RECONSIDERATION / REMITTAL

Filed Date:

July 25, 2018

Disposition:

Disposition Date:

Record Remittal: April 2, 2019 Filed Date: July 25, 2018

Disposition:

Disposition Date:

Record Remittal: April 2, 2019