

Commonwealth Docket Sheet

Commonwealth Court of Pennsylvania

Docket Number: 1642 CD 2019

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March 8, 2021



CAPTION

In Re: Painted Bride Art
Center, Inc., non-profit corporation

Appeal of: Painted Bride Art
Center, Inc.

CASE INFORMATION

Initiating Document:	Notice of Appeal		
Case Status:	Decided/Active		
Case Processing Status:	October 20, 2020	Filing of Decision or Opinion	
Journal Number:	31-09-2020		
Case Category:	Civil	Case Type(s):	Other

CONSOLIDATED CASES

RELATED CASES

COUNSEL INFORMATION

Appellant **Painted Bride Art Center, Inc.**

Pro Se: No

IFP Status:

Attorney:	Sonnenfeld, Marc J.	
Law Firm:	Morgan, Lewis & Bockius LLP	
Address:	Morgan Lewis & Bockius Llp 1701 Market St Philadelphia, PA 19103	
Phone No:	(215) 963-5000	Fax No:

Attorney:	DeCusatis, Anthony C.	
Law Firm:	Morgan, Lewis & Bockius LLP	
Address:	Morgan Lewis & Bockius Llp 1701 Market St Philadelphia, PA 19103	
Phone No:	(215) 963-5000	Fax No:

Attorney:	Pickering, Emily Benson	
Law Firm:	Morgan, Lewis & Bockius LLP	
Address:	Morgan Lewis & Bockius Llp 1701 Market St Philadelphia, PA 19103	
Phone No:	(610) 639-8272	Fax No:

Attorney:	Polovich, Michael	
Law Firm:	Morgan, Lewis & Bockius LLP	
Address:	Morgan Lewis & Bockius Llp 1701 Market St Philadelphia, PA 19103	
Phone No:	(215) 963-5113	Fax No:

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COUNSEL INFORMATION

Appellee Zagar, Isaiah

Pro Se: No

IFP Status:

Attorney: Moss, Jerrold V.

Address: Astor Weiss Kaplan Et Al
200 S Broad St Ste 600
Philadelphia, PA 19102

Phone No: (215) 790-1200

Fax No:

Appellee Proposed Interim Board of Directors of the Bride

Pro Se: No

IFP Status:

Attorney: Speciale, Benjamin Barnes

Law Firm: Drake Speciale LLC

Address: 221 Chestnut Suite 200
Philadelphia, PA 19106

Phone No: (215) 645-2115

Fax No:

Appellee Groom Investments, LLC

Pro Se: No

IFP Status:

Attorney: Pressman, Richard B.

Law Firm: Pressman Law, LLC

Address: 1135 Spruce St
Philadelphia, PA 19107-6738

Phone No: (215) 627-8775

Fax No:

Appellee Commonwealth of Pennsylvania

Pro Se: No

IFP Status:

Attorney: Fingerhut, Pamela S.

Law Firm: Pennsylvania Office of Attorney General

Address: Pa Ofc Of Attorney Gen
1600 Arch St Ste 300
Philadelphia, PA 19103

Phone No: (215) 560-2757

Fax No:

Attorney: Tesoro, Claudia M.

Law Firm: Pennsylvania Office of Attorney General

Address: Pa Ofc Attorney General
1600 Arch St Ste 300
Philadelphia, PA 19103

Phone No: (215) 560-2908

Fax No:

FEE INFORMATION

Fee Dt	Fee Name	Fee Amt	Receipt Dt	Receipt No	Receipt Amt
11/18/2019	Notice of Appeal	90.25	11/21/2019	2019-CMW-H-002446	90.25
11/04/2020	Petition for Reargument	15.00	11/04/2020	2020-CMW-H-002092	15.00

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AGENCY/TRIAL COURT INFORMATION

Order Appealed From:	September 26, 2019	Notice of Appeal Filed:	October 29, 2019
Order Type:	Order		
Documents Received:	November 18, 2019		

Court Below:	Philadelphia County Court of Common Pleas		
County:	Philadelphia	Division:	Philadelphia County Orphans' Court
Judge:	Carrafiello, Matthew D.	OTN:	
Docket Number:	No. 626 NP of 2019	Judicial District:	01

ORIGINAL RECORD CONTENT

Original Record Item	Filed Date	Content Description
Trial Court Record	January 16, 2020	

Date of Remand of Record:

BRIEFING SCHEDULE

Appellant	Appellee
Painted Bride Art Center, Inc.	Commonwealth of Pennsylvania
Brief	Brief
Due: Filed: April 28, 2020	Due: July 1, 2020 Filed: June 29, 2020
Reply Brief	Groom Investments, LLC
Due: July 13, 2020 Filed: July 13, 2020	Brief
Reproduced Record	Proposed Interim Board of Directors of the Bride
Due: Filed: April 28, 2020	Brief
	Zagar, Isaiah
	Brief
	Due: June 1, 2020 Filed: June 1, 2020

DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
November 18, 2019	Notice of Appeal Filed Painted Bride Art Center, Inc.		Appellant	
January 16, 2020	Trial Court Record Received Philadelphia County Orphans' Court			
February 6, 2020	Order Filed Wojcik, Michael H.			02/07/2020
	Document Name: NOW, this 6th day of February, 2020, it appearing that this appeal Comment: may be untimely, the parties shall address whether the appeal is untimely in their principal briefs on the merits or in an appropriate motion. See Pa.R.A.P. 903(a) (providing that a notice of appeal must be filed within 30 days after entry of the order from which the appeal is taken).			
February 7, 2020	Notice of Docketing Appeal Exited Commonwealth Court Filing Office			02/07/2020

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Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
February 18, 2020	Docketing Statement Filed Sabalbaro, Jose Marlow Mataac	Painted Bride Art Center, Inc.	Appellant	
February 24, 2020	Entry of Appearance Tesoro, Claudia M.	Commonwealth of Pennsylvania	Appellee	
April 15, 2020	Designation of Contents of Reproduced Record Sabalbaro, Jose Marlow Mataac	Painted Bride Art Center, Inc.	Appellant	
April 28, 2020	Appellant's Brief Filed Painted Bride Art Center, Inc.		Appellant	
April 28, 2020	Appellant's Reproduced Record Filed Sonnenfeld, Marc J.	Painted Bride Art Center, Inc.	Appellant	
April 29, 2020	Application to Expedite Sonnenfeld, Marc J. Sabalbaro, Jose Marlow Mataac Pickering, Emily Benson	Painted Bride Art Center, Inc. Painted Bride Art Center, Inc. Painted Bride Art Center, Inc.	Appellant Appellant Appellant	
	Document Name: Application for Advancement of Argument			
May 4, 2020	Answer Filed Moss, Jerrold V.	Zagar, Isaiah	Appellee	
	Document Name: Answer of Isaiah Zagar, Appellee, to Appellant's Application for Advancement of Argument			
May 21, 2020	Order Granting Application to Expedite Per Curiam			05/22/2020
	Document Name: upon consideration of the Application for Advancement of Argument filed by Appellant Painted Bride Art Center, Inc., and Appellee's Answer, said motion is granted. The Prothonotary is directed to list this case for the next available argument session in September. Comment: Appellant has already filed its brief and reproduced record in this matter. Appellee shall file its brief on or before June 1, 2020.			
May 23, 2020	Application for Extension of Time to File Brief - First Request Tesoro, Claudia M.	Commonwealth of Pennsylvania	Appellee	
May 27, 2020	Tentative Session Date Krimmel, Michael			
	Document Name: September 2020 (Harrisburg)			
May 28, 2020	Order Granting Application for Extension of Time to File Appellee Brief Per Curiam			05/29/2020
	Document Name: upon consideration of Appellee Commonwealth of Pennsylvania's (Commonwealth) Application for Extension of Time to File Brief (Application), and it appearing that the Application is unopposed by Appellant Painted Bride Art Center, Inc., the Application is GRANTED. Comment: It further appearing that this matter is expedited by the Court's May 21, 2020 Order, no further extensions will be granted absent extraordinary circumstances. The Commonwealth shall file and serve its appellate brief (4 copies) on or before July 1, 2020.			
June 1, 2020	Appellee's Brief Filed Zagar, Isaiah		Appellee	
June 2, 2020	Application for Extension of Time to File Brief - First Request Sonnenfeld, Marc J.	Painted Bride Art Center, Inc.	Appellant	

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Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
June 2, 2020	Letter Sonnenfeld, Marc J.	Painted Bride Art Center, Inc.	Appellant	
	Document Name: Letter withdrawing request for ext. of time to file reply brief.			
June 29, 2020	Appellee's Brief Filed Tesoro, Claudia M.	Commonwealth of Pennsylvania	Appellee	
July 10, 2020	Entry of Appearance DeCusatis, Anthony C.	Painted Bride Art Center, Inc.	Appellant	
	Document Name: On behalf of Appellant			
July 10, 2020	Entry of Appearance Polovich, Michael	Painted Bride Art Center, Inc.	Appellant	
	Document Name: On behalf of Appellant			
July 13, 2020	Appellant's Reply Brief Sonnenfeld, Marc J.	Painted Bride Art Center, Inc.	Appellant	
	Painted Bride Art Center, Inc. Appellant			
July 16, 2020	Praecipe for Withdrawal of Appearance Sonnenfeld, Marc J.	Painted Bride Art Center, Inc.	Appellant	
July 16, 2020	Praecipe for Withdrawal of Appearance Carpenter, A. Lauren	Painted Bride Art Center, Inc.	Appellant	
	Document Name: PAC-file			
July 22, 2020	Argument Scheduled Krimmel, Michael			
	Document Name: THURSDAY, September 17, 2020 at 9:30 AM (PANEL)			
	Comment: CR 5001, PJC, Harrisburg, PA. No. 31 on the list of cases to be argued.			
July 27, 2020	Argument Scheduled Krimmel, Michael			
	Document Name: CORRECTED Argument Notice - to reflect additional counsel (Marc J. Sonnenfeld, Esq.)			
August 4, 2020	Praecipe for Withdrawal of Appearance Sabalbaro, Jose Marlow Mataac	Painted Bride Art Center, Inc.	Appellant	
August 17, 2020	Dormant Order for Failure to File Appellee Brief Issued Per Curiam			08/18/2020
	Document Name: it appearing that appellees Groom Investments, LLC and Proposed Interim Board of Directors			
	Comment: of the Bride briefs were due June 1, 2020, and that to date the same have not been filed, appellees Groom Investments, LLC and Proposed Interim Board of Directors of the Bride briefs (4 copies) shall be filed and served within 14 days of the exit date of this Order or appellees Groom Investments, LLC and Proposed Interim Board of Directors of the Bride shall be precluded from oral argument, if oral argument is scheduled and from filing a brief, unless otherwise ordered.			
August 24, 2020	Argument Scheduled Krimmel, Michael			
	Document Name: Corrected Notice (WebEx Video Conference)			

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Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
September 1, 2020	Notice of Non-Participation Pressman, Richard B.	Groom Investments, LLC	Appellee	
September 10, 2020	Notice of Non-Participation Proposed Interim Board of Directors of the Bride		Appellee	
October 20, 2020	Reversed Crompton, J. Andrew Document Name: Memorandum Opinion (24pgs) the decree of the Philadelphia County Court of Common Pleas, Comment: Orphans' Court Division, is REVERSED.			10/20/2020
November 3, 2020	Application for Reargument Moss, Jerrold V.	Zagar, Isaiah	Appellee	
November 4, 2020	Application for Extension of Time to File Moss, Jerrold V. Document Name: the Application for Reargument	Zagar, Isaiah	Appellee	
November 9, 2020	Application for Relief Moss, Jerrold V. Document Name: Application waiving the requirements Pa RAP 2592, or alternatively that appellee's Application for Comment: Reargument shall be deemed timely filed. CLT	Zagar, Isaiah	Appellee	
November 9, 2020	Letter Tesoro, Claudia M. Document Name: Cmwlth does not intend file an answer, nor object, nor concur	Commonwealth of Pennsylvania	Appellee	
November 10, 2020	Order Granting Application for Relief Crompton, J. Andrew Document Name: AND NOW, this 10th day of November 2020, upon consideration of Comment: Isaiah Zagar's (Appellee) Application for Relief requesting that his Application for Reargument in the above-referenced matter be considered timely filed, said Application for Relief is GRANTED. Appellee's Application for Reargument is considered filed as of November 3, 2020. Any Answer to Appellee's Application for Reargument is due within 20 days of the date of this Order.			11/10/2020
November 19, 2020	Answer to Application for Reargument Sonnenfeld, Marc J. DeCusatis, Anthony C. Pickering, Emily Benson Polovich, Michael Document Name: Petitioner's-Appellant's Answer to Appellee's Application for Reargument	Painted Bride Art Center, Inc. Painted Bride Art Center, Inc. Painted Bride Art Center, Inc. Painted Bride Art Center, Inc.	Appellant Appellant Appellant Appellant	
December 16, 2020	Order Denying Application for Reargument Per Curiam Document Name: having considered Appellee's application for reargument and Appellant's answer in response thereto, Comment: the application is denied.			12/16/2020
January 13, 2021	Petition for Allowance of Appeal to PA Supreme Court Filed Zagar, Isaiah Document Name: 16 EAL 2021 Comment: 16 EAL 2021		Appellee	

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SESSION INFORMATION

Journal Number: 31-09-2020
 Consideration Type: Oral Argument - Panel
 Listed/Submitted Date: September 17, 2020

Panel Composition:

The Honorable Patricia A. McCullough	Judge
The Honorable J. Andrew Crompton	Judge
The Honorable Bonnie Brigrance Leadbetter	Senior Judge

DISPOSITION INFORMATION

Final Disposition:	Yes	Judgment Date:	
Related Journal No:		Disposition Author:	Crompton, J. Andrew
Category:	Decided	Disposition Date:	October 20, 2020
Disposition:	Reversed		
Disposition Comment:	Orphans' Court Division, is REVERSED.		
Dispositional Filing:	Memorandum Opinion	Filing Author:	Crompton, J. Andrew
Filed Date:	10/20/2020 12:00:00AM		

REARGUMENT / RECONSIDERATION / REMITTAL

Filed Date: November 3, 2020
 Disposition: Order Denying Application for Reargument
 Disposition Date: December 16, 2020
 Record Remittal: