

Appeal Docket Sheet

Superior Court of Pennsylvania

Docket Number: 3066 EDA 2017

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December 5, 2021



CAPTION

J. Brian O'Neill, O'Neill Properties Group, L.P. and Constitution Drive Partners, LP
Appellants

v.

Maya van Rossum, Carla Zambelli and Delaware Riverkeeper Network and John Does 1 through 10

CASE INFORMATION

Initiating Document: Notice of Appeal

Case Status: Closed

Case Processing Status: August 29, 2019 Completed

Journal Number: J-A14022-18
J-A16005-18

Case Category: Civil Case Type(s): Tort

CONSOLIDATED CASES

RELATED CASES

SCHEDULED EVENT

Next Event Type:

Next Event Due Date:

COUNSEL INFORMATION

Appellant O'Neill, J. Brian, et al.

Pro Se: No

IFP Status: No

Attorney: Sargent, James C., Jr.
Law Firm: LAMB McERLANE PC
Address: 24 E Market St
PO Box 565
West Chester, PA 19382-3151
Phone No: (610) 430-8000 Fax No:

Appellee Zambelli, Carla

Pro Se: No

IFP Status:

Attorney: Stretton, Samuel C.
Law Firm: Law Office of Samuel C. Stretton
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West Chester, PA 19381-3231
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COUNSEL INFORMATION

Appellee Delaware Riverkeeper Network, et al.
 Pro Se: No
 IFP Status:
 Attorney: Freed, Mark Landis
 Law Firm: Curtin & Heefner LLP
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 Suite 100
 Doylestown, PA 18901
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FEE INFORMATION

Fee Dt	Fee Name	Fee Amt	Receipt Dt	Receipt No	Receipt Amt
09/21/2017	Notice of Appeal	85.50	09/26/2017	2017-SPR-E-001628	85.50
09/20/2018	Petition for Reargument	15.00	09/21/2018	2018-SPR-E-001652	15.00

AGENCY/TRIAL COURT INFORMATION

Order Appealed From: August 22, 2017 Notice of Appeal Filed: September 21, 2017
 Order Type: Order Entered
 Documents Received: September 26, 2017

Court Below: Chester County Court of Common Pleas
 County: Chester Division: Chester County Civil Division
 Judge: Sommer, Jeffrey R. OTN:
 Docket Number: 2017-03836-MJ Judicial District: 15

ORIGINAL RECORD CONTENT

Original Record Item	Filed Date	Content Description
Original Record	October 31, 2017	
Trial Court Opinion	October 31, 2017	

Date of Remand of Record: August 29, 2019

BRIEFING SCHEDULE

Appellant		Appellee	
O'Neill, J. Brian, et al.		Delaware Riverkeeper Network, et al.	
Brief		Brief	
Due: February 9, 2018	Filed: February 9, 2018	Due: March 12, 2018	Filed: March 12, 2018
Reply Brief		Zambelli, Carla	
Due: April 25, 2018	Filed: April 25, 2018	Brief	
Reproduced Record		Due: March 12, 2018	Filed:
Due: February 9, 2018	Filed: February 9, 2018		

DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
September 26, 2017	Notice of Appeal Docketed	Appellant	O'Neill, J. Brian, et al.

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Filed Date	Docket Entry / Representing	Participant Type	Filed By
September 26, 2017	Docketing Statement Exited (Civil)		Superior Court of Pennsylvania
October 10, 2017	Docketing Statement Received (Civil)	Appellant	O'Neill, J. Brian, et al.
October 31, 2017	Trial Court Record Received		Chester County Court of Common Pleas
October 31, 2017	Trial Court Opinion Received		Chester County Court of Common Pleas
October 31, 2017	Briefing Schedule Issued		Superior Court of Pennsylvania
November 1, 2017	Application for Relief	Appellee	Zambelli, Carla
	Comment: Motion to be excused from filing a brief.		
November 17, 2017	Order Granting Application for Relief		Per Curiam
	Comment: Appellee Carla Zambelli's "motion to be excused from filing a brief" is hereby GRANTED.		
December 5, 2017	Application for Extension of Time to File Brief - First Request	Appellant	O'Neill, J. Brian, et al.
December 6, 2017	Order Granting Application for Extension of Time to File Brief and Reproduced Record		Per Curiam
	Comment: AND NOW, this 6th day of December, 2017, upon consideration of the application of Appellant, J. Brian, et al. O'Neill, for extension of time to file Brief and Reproduced Record the application is hereby granted. Appellant's Brief and Reproduced Record shall be filed on or before February 9, 2018.		
January 10, 2018	Designation of Contents of Reproduced Record	Appellant	O'Neill, J. Brian, et al.
January 22, 2018	Counter Designation of Contents of Reproduced Record	Appellee	Delaware Riverkeeper Network, et al.
February 9, 2018	Appellant's Brief Filed	Appellant	O'Neill, J. Brian, et al.
February 9, 2018	Reproduced Record Filed	Appellant	O'Neill, J. Brian, et al.
February 12, 2018	Reply Letter(s) Printed		Superior Court of Pennsylvania
February 13, 2018	Reply Received (Argument)	Appellant	O'Neill, J. Brian, et al.

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DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
March 12, 2018	Appellee's Brief Filed	Appellee	Delaware Riverkeeper Network, et al.
March 20, 2018	Application for Extension of Time to File Reply Brief	Appellant	O'Neill, J. Brian, et al.
March 22, 2018	Order Granting Application for Extension of Time to File Appellant Reply Brief Comment: AND NOW, this 22nd day of March, 2018, the Appellant's Petition for an Extension of time to file reply briefs is GRANTED until April 25, 2018. No further extensions will be granted absent extraordinary circumstances.	Superior Court of Pennsylvania	
April 25, 2018	Appellant's Reply Brief	Appellant	O'Neill, J. Brian, et al.
May 10, 2018	Argument Letter Sent		Kohler, Benjamin D.
May 10, 2018	Application for Continuance	Appellant	O'Neill, J. Brian, et al.
May 17, 2018	Order Granting Application for Continuance Comment: AND NOW, to wit, this 17th day of May 2018, upon consideration of Appellants' Application for Continuance of Oral Argument filed on May 10, 2018, said Application is hereby GRANTED. The Prothonotary shall list this case after June 2018 in the Eastern District	Per Curiam	
May 18, 2018	Acknowledgement of Argument Notice Delaware Riverkeeper Network, et al.	Appellee	Freed, Mark Landis
June 5, 2018	Argument Letter Sent		Kohler, Benjamin D.
June 5, 2018	Acknowledgement of Argument Notice	Appellant	O'Neill, J. Brian, et al.
June 5, 2018	Acknowledgement of Argument Notice Delaware Riverkeeper Network, et al.	Appellee	Freed, Mark Landis
September 6, 2018	Affirmed		Bender, John T.
September 20, 2018	Application for Reargument	Appellant	O'Neill, J. Brian, et al.
October 5, 2018	Answer to Application for Reargument	Appellee	Delaware Riverkeeper Network, et al.

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DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
November 2, 2018	Order Denying Application for Reargument		Per Curiam
	Comment: IT IS HEREBY ORDERED: THAT the application filed September 20, 2018, requesting reargument of the decision dated September 6, 2018, is DENIED.		
August 29, 2019	Remitted to Lower Court or Agency		Superior Court of Pennsylvania
	Comment: W/CERTIFIED RECORD		
November 13, 2019	Acknowledgement of Record Remittal		Chester County Civil Division
December 16, 2019	Praecipe for Withdrawal of Appearance - Private Delaware Riverkeeper Network, et al.	Appellee	Yeager, Jordan Berson

SESSION INFORMATION

Journal Number: J-A14022-18
 Consideration Type: Continued
 Listed/Submitted Date: June 20, 2018

Panel Composition:

The Honorable Susan Peikes Gantman	President Judge
The Honorable Jacqueline O. Shogan	Judge
William H. Platt	Judge

Journal Number: J-A16005-18
 Consideration Type: Argument Panel
 Listed/Submitted Date: July 17, 2018

Panel Composition:

The Honorable John T. Bender	President Judge Emeritus
The Honorable Anne E. Lazarus	Judge
The Honorable Kate Ford Elliott	President Judge Emeritus

DISPOSITION INFORMATION

Final Disposition:	Yes	Judgment Date:	September 6, 2018
Related Journal No:	J-A16005-18	Disposition Author:	Bender, John T.
Category:	Decided	Disposition Date:	September 6, 2018
Disposition:	Affirmed	Filing Author:	Bender, John T.
Dispositional Filing:	Memorandum		
Filed Date:	9/6/2018 12:00:00AM		
Judge:	Ford Elliott, Kate	Vote:	Did Not Participate

REARGUMENT / RECONSIDERATION / REMITTAL

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REARGUMENT / RECONSIDERATION / REMITTAL

Filed Date: September 20, 2018
Disposition: Order Denying Application for Reargument
Disposition Date: November 2, 2018
Record Remittal: