

Appeal Docket Sheet

Superior Court of Pennsylvania

Docket Number: 319 MDA 2017

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February 19, 2018

**CAPTION**

In Re: Estate of Robert M. Mumma, Deceased

Appeal of: Robert M. Mumma, II

CASE INFORMATION

Initiating Document: Notice of Appeal

Case Status: Closed

Case Processing Status: November 13, 2017 Completed

Journal Number: J-A26013-17

Case Category: Civil Case Type(s): Estate/Probate/Wills/Intestate

CONSOLIDATED CASES**RELATED CASES****SCHEDULED EVENT**

Next Event Type:

Next Event Due Date:

COUNSEL INFORMATION

Appellant Mumma, II, Robert M.

Pro Se: Yes

IFP Status: No

Pro Se: Robert M. Mumma, II

Address: Box F
Grantham, PA 17027

Appellee Mumma, Linda M.

Pro Se: Yes

IFP Status: No

Pro Se: Linda M. Mumma

Address: P.O. Box 70
Mechanicsburg, PA 17101

Appellee Mumma, Barbara M.

Pro Se: No

IFP Status: No

Attorney: Rinaldo, Richard F.

Law Firm: Williams Coulson, LLC

Address: 16th Floor, One Gateway Center
Pittsburgh, PA 15222

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COUNSEL INFORMATION

Appellee Lisa Morgan, Co-Executrix and Co-Trustee Under the Will of Robert M. Mumma

Pro Se: No

IFP Status: No

Attorney: Green, Brady Lee
 Law Firm: Wilbraham, Lawler & Buba, P.C.
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 Philadelphia, PA 19103-3654
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Attorney: Otto, Ivo Victor, III
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 10 East High Street
 Carlisle, PA 17013-3015
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Attorney: Faller, George Byron, Jr.
 Address: Martson Law Offices
 10 East High Street
 Carlisle, PA 17013-3015
 Phone No: (717) 243-3341 Fax No:

FEE INFORMATION

Fee Dt	Fee Name	Fee Amt	Receipt Dt	Receipt No	Receipt Amt
06/07/2017	Application to Reinstate Appeal	15.00			0.00
02/17/2017	Notice of Appeal	85.50	02/23/2017	2017-SPR-M-000143	85.50

AGENCY/TRIAL COURT INFORMATION

Court Below: Cumberland County Court of Common Pleas
 County: Cumberland Division: Cumberland County Orphans' Court
 Order Appealed From: January 31, 2017 Judicial District: 09
 Documents Received: February 23, 2017 Notice of Appeal Filed: February 17, 2017
 Order Type: Order Entered
 OTN(s):
 Lower Ct Docket No(s): 21-86-398
 Lower Ct Judge(s): Masland, Albert H.
 Judge

ORIGINAL RECORD CONTENT

Original Record Item	Filed Date	Content Description
Original Record Comment: *Transferred from 905 MDA 2014*	March 20, 2017	64 Parts
Transcript(s) Comment: *Transferred from 905 MDA 2014*	March 20, 2017	1
Supplemental Record	May 24, 2017	1 Part

Date of Remand of Record: November 13, 2017

BRIEFING SCHEDULE

Appellant
 Mumma, II, Robert M.

Appellee

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BRIEFING SCHEDULE

Appellant		Appellee	
Mumma, II, Robert M.		Lisa Morgan, Co-Executrix and Co-Trustee Under the Will of Robert M. Mumma	
Brief		Brief	
Due: May 1, 2017	Filed:	Due: August 14, 2017	Filed:
Due: July 13, 2017	Filed: July 13, 2017		
Reproduced Record		Mumma, Barbara M.	
Brief		Brief	
Due: May 1, 2017	Filed:	Due: August 14, 2017	Filed:
Due: July 13, 2017	Filed: July 13, 2017		
		Mumma, Linda M.	
		Brief	
		Due: August 14, 2017	Filed:

DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
February 23, 2017	Notice of Appeal Docketed	Appellant	Mumma, II, Robert M.
February 23, 2017	Docketing Statement Exited (Civil)		Superior Court of Pennsylvania
March 13, 2017	Docketing Statement Received (Civil)	Appellant	Mumma, II, Robert M.
March 20, 2017	Trial Court Record Received		Cumberland County Court of Common Pleas
March 20, 2017	Awaiting Supplemental Record		Superior Court of Pennsylvania
	Comment: Record transferred from 905 MDA 2014		
May 24, 2017	Supplemental Record Filed		Cumberland County Court of Common Pleas
May 24, 2017	Briefing Schedule Issued		Superior Court of Pennsylvania
May 31, 2017	Dismissed for Failure to File Brief		Per Curiam
	Comment: AND NOW, this 31st day of May 2017, the appeal is DISMISSED for Appellant's failure to file a brief.		
June 7, 2017	Application to Reinstate Appeal	Appellant	Mumma, II, Robert M.

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DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
June 13, 2017	Appeal Reinstated Sua Sponte		Superior Court of Pennsylvania
	<p>Comment: Upon consideration of the application of appellant, Robert M. Mumma, for reinstatement of this appeal, the application is hereby GRANTED. The May 31, 2017 dismissal order is VACATED and this appeal is REINSTATED. Appellant shall file his brief and reproduced record no later than thirty (30) days from the date of this order. No further extensions will be granted.</p>		
June 13, 2017	Briefing Schedule Issued		Superior Court of Pennsylvania
July 13, 2017	Appellant's Brief and Reproduced Record Combined Filed	Appellant	Mumma, II, Robert M.
July 14, 2017	Reply Letter(s) Printed		Superior Court of Pennsylvania
July 14, 2017	Praecipe for Withdrawal of Appearance - Private Mumma, Barbara M.	Appellee	McMichael, Lawrence G.
July 28, 2017	Order - Rule to Show Cause		Per Curiam
	<p>Comment: Appellant, Robert M. Mumma, II, filed a notice of appeal from the January 31, 2017 order imposing sanctions against him for the legal fees incurred by appellee, Lisa Morgan, in connection with appellant's prior petition to remove her as co-executrix of the estate. It appears the estate remains under administration, and there is no apparent indication that the subject order is appealable pursuant to any subsection of Pa.R.A.P. 342. In his docketing statement, appellant asserts the January 31, 2017 order is appealable pursuant to Pa.R.A.P. 313. Appellant's brief does not address the jurisdictional grounds for this appeal.</p> <p>An appeal may be taken as of right from an order that is separable from and collateral to the main cause of action, where the right involved is too important to be denied review, and where the question presented is such that if review is postponed until final judgment, the claim will be irreparably lost. Pa.R.A.P. 313(b). All three prongs of Rule 313 must be clearly present for an order to qualify as a collateral order. <i>Rae v. Pennsylvania Funeral Directors Association</i>, 977 A.2d 1121, 1126 (Pa. 2009). Appellant is hereby directed to show cause, within ten days of the date of this order, as to why this appeal should not be quashed as having been taken from an order that is interlocutory and not appealable. Specifically, if appellant contends that Pa.R.A.P. 313 provides the jurisdictional basis for this appeal, appellant shall explain why the January 31, 2017 order satisfies the requirements of Pa.R.A.P. 313(b). Failure to respond to this directive may result in quashal of this appeal without further notice.</p>		
August 7, 2017	Application for Extension of Time to File Non-Brief	Appellant	Mumma, II, Robert M.
	Document Name: Application for Extension of Time to File Response to 7/28/17 Order		

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DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
August 8, 2017	Reply Received (Argument)	Appellant	Mumma, II, Robert M.
August 8, 2017	Order Granting Application for Extension of Time to File		Per Curiam
	Comment: Upon consideration of the application of appellant, Robert M. Mumma, II, for an extension of time to file a response to this Court's show cause order of July 28, 2017, the application is hereby GRANTED. Appellant shall file his response to the show cause order within seven (7) days of the date of this order. No further extensions will be granted.		
August 15, 2017	Response to Rule to Show Cause	Appellant	Mumma, II, Robert M.
August 17, 2017	Order Discharging Rule to Show Cause		Per Curiam
	Comment: Appellant, Robert M. Mumma, II, filed a notice of appeal from the January 31, 2017 order imposing sanctions against him for the legal fees incurred by appellee, Lisa Morgan, in connection with appellant's prior petition to remove her as co-executrix of the estate. In his docketing statement, appellant asserted the January 31, 2017 order is appealable pursuant to Pa.R.A.P. 313. Since appellant's brief does not address the jurisdictional grounds for this appeal, by order of July 27, 2017, appellant was directed to show cause as to why this appeal should not be quashed as having been taken from an order that is interlocutory and not appealable. Appellant filed a response arguing why the subject order is appealable pursuant to Pa.R.A.P. 313. The Court will take no action at this time but will refer the issue of appealability to the merits panel. The July 27, 2017 show cause order is discharged. The merits panel may revisit the issue and may find that the appeal is defective. Therefore, appellant should be prepared to address the issue at oral argument if the panel or one of the parties raises the issue at that time, or in his brief if the case is to be submitted on briefs.		
August 24, 2017	Argument Letter Sent		Superior Court of Pennsylvania
August 30, 2017	Application for Extension of Time to File Brief - First Request	Appellee	Lisa Morgan, Co-Executrix and Co-Trustee Under the Will of Robert M. Mumma
September 5, 2017	Acknowledgement of Argument Notice Lisa Morgan, Co-Executrix and Co-Trustee Under the Will of Robert M. Mumma	Appellee	Faller, George Byron, Jr.
September 21, 2017	Acknowledgement of Argument Notice	Appellant	Mumma, II, Robert M.

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DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
October 2, 2017	Quashed		Per Curiam
Comment: Motion for Extension of Time to File Brief is DENIED			
November 13, 2017	Remitted		Middle District Filing Office

SESSION INFORMATION

Journal Number: J-A26013-17
 Consideration Type: Completed
 Listed/Submitted Date: October 17, 2017

Panel Composition:

The Honorable Mary Jane Bowes	Judge
The Honorable Judith F. Olson	Judge
The Honorable Lillian Harris Ransom	Judge

DISPOSITION INFORMATION

Final Disposition: No
 Related Journal No:
 Category: Disposed Before Decision
 Disposition: Dismissed for Failure to File Brief
 Disposition Comment: AND NOW, this 31st day of May 2017, the appeal is DISMISSED for Appellant's failure to file a brief.
 Dispositional Filing: Filing Author:
 Filed Date:

Judgment Date:
 Disposition Author: Per Curiam
 Disposition Date: May 31, 2017

Final Disposition: Yes
 Related Journal No: J-A26013-17
 Category: Decided
 Disposition: Quashed
 Disposition Comment: Motion for Extension of Time to File Brief is DENIED
 Dispositional Filing: **Judgment Order**
 Filed Date: 10/2/2017 12:00:00AM

Judgment Date: October 2, 2017
 Disposition Author: Per Curiam
 Disposition Date: October 2, 2017
 Filing Author: Bowes, Mary Jane

REARGUMENT / RECONSIDERATION / REMITTAL

Filed Date:
 Disposition:
 Disposition Date:
 Record Remittal: November 13, 2017