



CAPTION

In Re: Passarelli Family Trust

Appeal of: Margaret G. Passarelli

CASE INFORMATION

Initiating Document: Order Granting Petition for Allowance of Appeal

Case Status: Active

Journal Number: J-46-2020 May 21, 2020

Case Category: Civil Case Type(s): Civil Action Law

CONSOLIDATED CASES

RELATED CASES

COUNSEL INFORMATION

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Representing: Passarelli, Margaret, Appellant

Pro Se: No

IFP Status:

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Pro Se: No

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COUNSEL INFORMATION

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 Representing: Passarelli, Joseph, Appellee
 Pro Se: No
 IFP Status:

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 Representing: Guardian Ad Litem, Appellee
 Pro Se: No
 IFP Status:



SUPREME COURT INFORMATION

Appeal From: the Order of the Superior Court dated March 28, 2019 at No. 3150 EDA 2016 Reversing the Chester County Court of Common Pleas, Orphan's Court, Decree dated September 19, 2016 at No. 1516-0101.

Probable Jurisdiction Noted: Docketed Date: September 11, 2019
 Allocatur/Miscellaneous Granted: September 11, 2019 Allocatur/Miscellaneous Docket No.: 235 MAL 2019
 Allocatur/Miscellaneous Grant Order: AND NOW, this 11th day of September, 2019, the Petition for Allowance of Appeal is GRANTED. The issues, as stated by petitioner, are:

- (1) Whether the Superior Court's reversal of the orphans' court's termination of an irrevocable inter vivos trust pursuant to 20 Pa.C.S. § 7736, which explicitly allows for the voidability of a trust induced by fraud, conflicts with another appellate court's opinion?
- (2) Whether the Superior Court's reversal of the orphans' court's termination of an irrevocable trust pursuant to 20 Pa.C.S. § 7736, and implicit overruling of Estate of Glover, is at odds with this Court's holding in Paul's Estate regarding the factors by which a trust may be terminated?
- (3) Whether the Superior Court's reversal of the orphans' court's termination of an irrevocable inter vivos trust pursuant to 20 Pa.C.S. § 7736 presents an issue of first impression, especially where the Superior Court has held that a stricter standard should apply when a party seeks to rescind an irrevocable trust that was induced by fraud?
- (4) Whether the Superior Court's imposition of a stricter standard to terminate an irrevocable inter vivos trust on the basis of fraud in the inducement presents an issue of such substantial public importance as to require the prompt and definitive resolution by the Pennsylvania Supreme Court?

FEE INFORMATION

Fee Dt	Fee Name	Fee Amt	Receipt Dt	Receipt No	Receipt Amt
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INTERMEDIATE APPELLATE COURT INFORMATION

Court Name: Superior Docket Number: 3150 EDA 2016
 Date of Order: March 28, 2019 Rearg/Recon Disp Date:
 Rearg/Recon Disposition:
 Judge(s): Gantman, Susan Peikes
 Bender, John T.
 Panella, Jack A.
 Shogan, Jacqueline O.
 Lazarus, Anne E.
 Stabile, Victor P.
 Dubow, Alice B.
 Nichols, Carolyn H.
 McLaughlin, Maria
 Intermediate Appellate Court Action: Reversed
 Referring Court:

AGENCY/TRIAL COURT INFORMATION

Supreme Court of Pennsylvania



Appeal Docket Sheet

Docket Number: 71 MAP 2019

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September 22, 2020

Court Below: Chester County Court of Common Pleas
 County: Chester Division: Chester County Orphans' Court
 Date of Agency/Trial Court Order: September 19, 2016
 Docket Number: 1516-0101
 Judge(s): Tunnell, Mark L. OTN:
 Order Type: Decree

ORIGINAL RECORD CONTENT

Original Record Item	Filed Date	Content/Description
Original Record	September 17, 2019	2 parts
Transcript(s)	September 17, 2019	1
Part(s)	September 17, 2019	exhibits 1

Record Remittal:

BRIEFING SCHEDULE

Appellant	Appellee
Passarelli, Margaret Brief	Guardian Ad Litem Brief
Due: October 28, 2019	Due: December 2, 2019
Filed: October 28, 2019	Filed: December 2, 2019
Reply Brief	Passarelli, Joseph Brief
Due: December 16, 2019	Due: December 2, 2019
Filed: December 11, 2019	Filed: November 27, 2019
Reproduced Record	
Due: October 28, 2019	Filed: October 28, 2019

SESSION INFORMATION

Journal Number: J-46-2020
 Listed/Submitted Date: May 21, 2020
 Consideration Type: Oral Argument Supreme Ct.

DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
September 11, 2019	Allocatur Granted		Per Curiam

Comments:

AND NOW, this 11th day of September, 2019, the Petition for Allowance of Appeal is GRANTED. The issues, as stated by petitioner, are:

(1) Whether the Superior Court's reversal of the orphans' court's termination of an irrevocable inter vivos trust pursuant to 20 Pa.C.S. § 7736, which explicitly allows for the voidability of a trust induced by fraud, conflicts with another appellate court's opinion?

(2) Whether the Superior Court's reversal of the orphans' court's termination of an irrevocable trust pursuant to 20 Pa.C.S. § 7736, and implicit overruling of Estate of Glover, is at odds with this Court's holding in Paul's Estate regarding the factors by which a trust may be terminated?

(3) Whether the Superior Court's reversal of the orphans' court's termination of an irrevocable inter vivos trust pursuant to



DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
	20 Pa.C.S. § 7736 presents an issue of first impression, especially where the Superior Court has held that a stricter standard should apply when a party seeks to rescind an irrevocable trust that was induced by fraud?		
	(4) Whether the Superior Court's imposition of a stricter standard to terminate an irrevocable inter vivos trust on the basis of fraud in the inducement presents an issue of such substantial public importance as to require the prompt and definitive resolution by the Pennsylvania Supreme Court?		
September 17, 2019	Superior Court Record Received		Superior Court of Pennsylvania
September 30, 2019	Designation of Contents of Reproduced Record	Appellant	Passarelli, Margaret
October 28, 2019	Appellant's Brief	Appellant	Passarelli, Margaret
October 28, 2019	Appellant's Reproduced Record Filed	Appellant	Passarelli, Margaret
October 29, 2019	Praecipe for Appearance Passarelli, Margaret	Appellant	Jean-Pierre, Isaac Jonathan
November 27, 2019	Appellee's Brief	Appellee	Passarelli, Joseph
December 2, 2019	Appellee's Brief	Appellee	Guardian Ad Litem
December 11, 2019	Appellant's Reply Brief	Appellant	Passarelli, Margaret
April 29, 2020	Application to Participate in Oral Argument	Appellee	Guardian Ad Litem
April 30, 2020	No Answer Letter to Application to Participate in Oral Argument	Appellee	Passarelli, Joseph
April 30, 2020	No Answer Letter to Application to Participate in Oral Argument	Appellant	Passarelli, Margaret
May 6, 2020	Order Granting Application to Participate in Oral Argument		Bizzoso, Irene M.
	Comments: AND NOW, this 6th day of May, 2020, the Passarelli Family Children's Application for Oral Argument is GRANTED. Appellees' counsel are directed to divide the allotted twenty minutes.		
May 6, 2020	Order Exited		Office of the Prothonotary
May 21, 2020	Argued Passarelli, Margaret Passarelli, Joseph Guardian Ad Litem	Appellant Appellee Appellee	McKenna, John Francis Ashton, Mark Randolph Olshin, Douglas Wesler



CROSS COURT ACTIONS

Docket Number: 235 MAL 2019
Docket Number: 3150 EDA 2016