

**Appeal Docket Sheet****Superior Court of Pennsylvania****Docket Number: 723 MDA 2026****Page 1 of 6****September 23, 2026****CAPTION**

Frank Tufano  
Appellant

v.

Lackawanna County and Tyler Technologies

**CASE INFORMATION**

Initiating Document: Notice of Appeal

Case Status: Decided/Active

Case Processing Status: July 10, 2026 Awaiting Remittal

Journal Number:

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

**CONSOLIDATED CASES****RELATED CASES**

Docket No / Reason

Type

711 MDA 2026  
Similar Issue(s)

Related

**SCHEDULED EVENT**

Next Event Type: Appellant Brief Filed

Next Event Due Date: July 28, 2026

Next Event Type: Appellant Reproduced Record Filed

Next Event Due Date: July 28, 2026

Next Event Type: Record Remitted

Next Event Due Date: August 10, 2026

**COUNSEL INFORMATION**

**Appellant Tufano, Frank**

IFP Status: No

Pro Se: Yes

Pro Se: Frank Tufano  
Address: 25 Dundaff St  
Carbondale, PA 18407  
Phone No: (917) 599-2160

Fax No:

**Appellee Tyler Technologies**

IFP Status: No

Pro Se: No

Attorney: Brier, Daniel Thomas  
Law Firm: Myers, Brier & Kelly, LLP  
Address: Myers Brier & Kelly  
425 Biden St Ste 200  
Scranton, PA 18503  
Phone No: (570) 342-6100

Fax No:

**Appeal Docket Sheet****Superior Court of Pennsylvania****Docket Number: 723 MDA 2026****Page 2 of 6****September 23, 2026****COUNSEL INFORMATION****Appellee Lackawanna County**

IFP Status: No

Pro Se: No

Attorney: McDonough, Sean P.

Law Firm: Dougherty, Leventhal &amp; Price, LLP

Address: Dougherty Leventhal &amp; Price Llp

459 Wyoming Ave

Kingston, PA 18704

Phone No: (570) 347-1011

Fax No:

**FEE INFORMATION**

| Fee Dt     | Fee Name                                    | Fee Amt | Receipt Dt | Receipt No        | Receipt Amt |
|------------|---------------------------------------------|---------|------------|-------------------|-------------|
| 04/06/2026 | Notice of Appeal                            | 91.25   | 08/12/2026 | 2026-SPR-M-000571 | 91.25       |
| 08/12/2026 | Motion for Reconsideration or Clarification | 15.00   | 08/20/2026 | 2026-SPR-M-000599 | 15.00       |

**AGENCY/TRIAL COURT INFORMATION**

Order Appealed From: April 2, 2026

Notice of Appeal Filed: April 6, 2026

Order Type: Order Entered

Documents Received: May 5, 2026

Court Below: Lackawanna County Court of Common Pleas

County: Lackawanna

Division:

Lackawanna County Civil Division

Judge: Gibbons, James A.

OTN:

Docket Number: 2025-05633

Judicial District:

45

**ORIGINAL RECORD CONTENT**

| Original Record Item | Filed Date    | Content Description |
|----------------------|---------------|---------------------|
| Original Record      | June 18, 2026 | 3 parts             |
| Trial Court Opinion  | June 18, 2026 |                     |
| Supplemental Record  | July 02, 2026 | 1 sup part          |

**Date of Remand of Record:****BRIEFING SCHEDULE****Appellant****Tufano, Frank****Brief**

Due: July 28, 2026

Filed:

**Appellee****Lackawanna County****Brief****Tyler Technologies****Brief****Reproduced Record**

Due: July 28, 2026

Filed:

**DOCKET ENTRY**

| Filed Date         | Docket Entry / Representing        | Participant Type | Filed By                       |
|--------------------|------------------------------------|------------------|--------------------------------|
| <b>May 5, 2026</b> | Notice of Appeal Docketed          | Appellant        | Tufano, Frank                  |
| <b>May 6, 2026</b> | Docketing Statement Exited (Civil) |                  | Superior Court of Pennsylvania |

## Appeal Docket Sheet

Superior Court of Pennsylvania

Docket Number: 723 MDA 2026

Page 3 of 6

September 23, 2026



## DOCKET ENTRY

| Filed Date   | Docket Entry / Representing          | Participant Type | Filed By                      |
|--------------|--------------------------------------|------------------|-------------------------------|
| May 15, 2026 | Docketing Statement Received (Civil) | Appellant        | Tufano, Frank                 |
| May 20, 2026 | Outstanding Invoice Letter Sent      |                  | Middle District Filing Office |
| June 5, 2026 | Order                                |                  | Per Curiam                    |

Document Name: Filing Fee

Comment: AND NOW this 5th day of June, 2026, it is noted that Appellant Frank Tufano has failed to pay the filing fee for the appeal. See Pa.R.A.P. 2701(a) ("A person upon filing any paper shall pay any fee therefor prescribed by law."); Pa.R.A.P. 905(c) ("The appellant upon filing the notice of appeal shall pay any fees therefor (including docketing fees in the appellate court) prescribed by Chapter 27"). Accordingly, Appellant is hereby ORDERED to either pay the requisite filing fee for the instant appeal in the amount of \$91.25 or, if applicable, file a request to proceed in forma pauperis (IFP) before the trial court. See Pa.R.A.P. 551-552.

Payment of the fee or proof of filing of the IFP petition must be received by the Prothonotary of this Court within ten (10) days from the date of this Order. The failure to comply with this Order may result in the appeal being quashed or dismissed without further Order of Court, and any other appropriate sanctions. See *First Union Nat. Bank v. F.A. Realty Investors Corp.*, 812 A. 2d 719, 723 (Pa. Super. 2002); *Kovalchuk v. Kovalchuk*, 305 A. 3d 997 (Pa. Super, filed Sept. 19, 2023) (non-precedential decision).

## Appeal Docket Sheet

## Superior Court of Pennsylvania

Docket Number: 723 MDA 2026

Page 4 of 6

September 23, 2026



## DOCKET ENTRY

| Filed Date                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Docket Entry / Representing | Participant Type | Filed By                         |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|------------------|----------------------------------|
| June 5, 2026                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Order - Rule to Show Cause  |                  | Per Curiam                       |
| <p>Comment: Upon consideration of the notice of appeal and docketing statement filed by pro se Appellant Frank Tufano, plaintiff below, the appeal is taken from the April 2, 2026 order denying Appellant's "Motion to Recuse and Stay Proceeding."</p> <p>Briefly, Appellant initiated this action by filing a complaint against Lackawanna County and Tyler Technologies following a county-wide property tax reassessment program. Within the complaint, Appellant alleged against both defendants counts of civil fraud, civil conspiracy, and violation of the theft by deception criminal statute.</p> <p>This Court has noted that, pursuant to 42 Pa.C.S.A. § 762(a)(7), the Commonwealth Court has exclusive appellate jurisdiction of appeals involving tort claims against a local agency. <i>Flaxman v. Burnett</i>, 574 A.2d 1061, 1064 n.4 (Pa. Super. 1990). Further, "[a] plain reading of subsection 762(a)(7) reveals that the legislature has vested exclusive appellate jurisdiction in the Commonwealth Court with regard to any tort actions brought against a local agency, which is defined as any government unit other than the Commonwealth government." <i>Brady Contracting Co. v. W. Manchester Twp. Sewer Auth.</i>, 487 A.2d 894, 897 (Pa. Super. 1985). Actions for fraud and civil conspiracy are treated as tort claims, alongside actions for aiding and abetting fraud. <i>Marion v. Bryn Mawr Trust Company</i>, 288 A.3d 76, 87-88 (Pa. 2023) (comparing the elements of civil fraud and conspiracy to those of the "tort of aiding and abetting fraud"). Here, the complaint asserted tort-based counts against Lackawanna County, which is a local agency. Therefore, it appears that appellate jurisdiction of this appeal properly lies with the Commonwealth Court.</p> <p>Additionally, this Court has held that an order denying a motion to recuse a trial court judge from a case is not appealable either as final or a collateral order. <i>Kenis v. Perini Corp.</i>, 682 A.2d 845, 848 (Pa. Super. 1996). Similarly, "[a]n order denying a motion to stay generally is considered interlocutory and not appealable unless it satisfies the collateral order doctrine." <i>Keesee v. Dougherty</i>, 230 A.3d 1128 (Pa. Super. 2020) (citing <i>Spanier v. Freeh</i>, 95 A.3d 342, 345 (Pa. Super. 2014)). Because the Order is neither final nor otherwise appealable, it appears that the appeal is also subject to quashal.</p> <p>Accordingly, Appellant is directed show cause, in the form of a letter addressed to the Prothonotary of this Court with a copy to opposing counsel, as to why the appeal should not be transferred to the Commonwealth Court, or alternatively, quashed as interlocutory. The response shall be filed within fourteen (14) days of the date of this Order. Failure to comply with this Order may result in transfer or quashal of the appeal without further notice.</p> |                             |                  |                                  |
| June 17, 2026                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Response to Order           | Appellant        | Tufano, Frank                    |
| June 18, 2026                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Trial Court Record Received |                  | Lackawanna County Civil Division |

## Appeal Docket Sheet

## Superior Court of Pennsylvania

Docket Number: 723 MDA 2026

Page 5 of 6

September 23, 2026



## DOCKET ENTRY

| Filed Date                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Docket Entry / Representing                            | Participant Type | Filed By                         |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------|------------------|----------------------------------|
| June 18, 2026                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Trial Court Opinion Received                           |                  | Lackawanna County Civil Division |
| June 18, 2026                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Briefing Schedule Issued                               |                  | Superior Court of Pennsylvania   |
| July 2, 2026                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Supplemental Record Filed                              |                  | Lackawanna County Civil Division |
| July 10, 2026                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Quash Sua Sponte                                       |                  | Per Curiam                       |
| <p>Comment: Upon consideration of the notice of appeal and docketing statement filed by pro se Appellant Frank Tufano, plaintiff below, the appeal is taken from the April 2, 2026 order ("Order") denying Appellant's "Motion to Recuse and Stay Proceeding."</p> <p>This Court has held that an order denying a motion to recuse a trial court judge from a case is not appealable either as final or a collateral order. <i>Kenis v. Perini Corp.</i>, 682 A.2d 845, 848 (Pa. Super. 1996). Similarly, "[a]n order denying a motion to stay generally is considered interlocutory and not appealable unless it satisfies the collateral order doctrine." <i>Keese v. Dougherty</i>, 230 A.3d 1128 (Pa. Super. 2020) (citing <i>Spanier v. Freeh</i>, 95 A.3d 342, 345 (Pa. Super. 2014)). Because the Order is neither final nor otherwise appealable, it appears that the appeal is subject to quashal. As such, on June 5, 2026, this Court directed Appellant to show cause as to why, inter alia, this appeal should not be quashed. The show-cause Order explicitly stated that Appellant's failure to comply "may result in . . . quashal of the appeal without further notice." Appellant did not respond. Moreover, on June 5, 2026, this Court issued a separate Order explaining that Appellant has failed to pay the filing fee for the appeal and directing him either to pay the fee or provide proof of filing an in forma pauperis petition within ten days. Appellant responded on June 17, 2026, generally contending that he paid the fee in the trial court and attaching a screenshot of what appears to be an electronic card transaction with the Lackawanna County Clerk of Courts in the amount of \$202.91, which does not correlate with the filing fee for this appeal. Because Appellant failed to respond to this Court's show-cause Order, this appeal is QUASHED. Additionally, the appeal is DISMISSED based on Appellant's failure to pay the filing fee or otherwise abide by this Court's Order dated June 5, 2026.</p> |                                                        |                  |                                  |
| August 12, 2026                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Application for Reconsideration of Order               | Appellant        | Tufano, Frank                    |
| August 21, 2026                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Order Denying Application for Reconsideration of Order |                  | Per Curiam                       |
| <p>Comment: Upon consideration of pro se Appellant's August 12, 2026 filing titled "Notice to Court," docketed as "Application for Reconsideration of Order," and noting that this Court no longer has jurisdiction over this appeal because it was both quashed and dismissed on July 10, 2026, the application is DENIED.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                        |                  |                                  |
| September 23, 2026                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Application for Relief                                 | Appellant        | Tufano, Frank                    |

## Appeal Docket Sheet

Superior Court of Pennsylvania

Docket Number: 723 MDA 2026

Page 6 of 6

September 23, 2026



## DISPOSITION INFORMATION

|                     |                          |                     |               |
|---------------------|--------------------------|---------------------|---------------|
| Final Disposition:  | Yes                      |                     |               |
| Related Journal No: |                          | Judgment Date:      |               |
| Category:           | Disposed Before Decision | Disposition Author: | Per Curiam    |
| Disposition:        | Quash Sua Sponte         | Disposition Date:   | July 10, 2026 |

Disposition Comment: Upon consideration of the notice of appeal and docketing statement filed by pro se Appellant Frank Tufano, plaintiff below, the appeal is taken from the April 2, 2026 order ("Order") denying Appellant's "Motion to Recuse and Stay Proceeding."

This Court has held that an order denying a motion to recuse a trial court judge from a case is not appealable either as final or a collateral order. *Kenis v. Perini Corp.*, 682 A.2d 845, 848 (Pa. Super. 1996). Similarly, "[a]n order denying a motion to stay generally is considered interlocutory and not appealable unless it satisfies the collateral order doctrine." *Keese v. Dougherty*, 230 A.3d 1128 (Pa. Super. 2020) (citing *Spanier v. Freeh*, 95 A.3d 342, 345 (Pa. Super. 2014)). Because the Order is neither final nor otherwise appealable, it appears that the appeal is subject to quashal. As such, on June 5, 2026, this Court directed Appellant to show cause as to why, inter alia, this appeal should not be quashed. The show-cause Order explicitly stated that Appellant's failure to comply "may result in . . . quashal of the appeal without further notice." Appellant did not respond. Moreover, on June 5, 2026, this Court issued a separate Order explaining that Appellant has failed to pay the filing fee for the appeal and directing him either to pay the fee or provide proof of filing an in forma pauperis petition within ten days. Appellant responded on June 17, 2026, generally contending that he paid the fee in the trial court and attaching a screenshot of what appears to be an electronic card transaction with the Lackawanna County Clerk of Courts in the amount of \$202.91, which does not correlate with the filing fee for this appeal. Because Appellant failed to respond to this Court's show-cause Order, this appeal is QUASHED. Additionally, the appeal is DISMISSED based on Appellant's failure to pay the filing fee or otherwise abide by this Court's Order dated June 5, 2026.

|                       |                |
|-----------------------|----------------|
| Dispositional Filing: | Filing Author: |
| Filed Date:           |                |