Appeal Docket Sheet **Superior Court of Pennsylvania**

Docket Number: 723 MDA 2026

November 9, 2026

CAPTION

Frank Tufano
Appellant

v.

Lackawanna County and Tyler Technologies

CASE INFORMATION

Initiating Document:	Notice of Appeal		
Case Status:	Closed		
Case Processing Status:	October 26, 2026	Completed	
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: Next Event Due Date:

COUNSEL INFORMATION

Appellant **Tufano, Frank**
IFP/Waiver: No
Pro Se: Yes
Pro Se: Frank Tufano
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Appellee **Tyler Technologies**
IFP/Waiver: No
Pro Se: No
Attorney: Brier, Daniel Thomas
Law Firm: Myers, Brier & Kelly, LLP
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COUNSEL INFORMATION

Appellee **Lackawanna County**
IFP/Waiver: No
Pro Se: No
Attorney: McDonough, Sean P.
Law Firm: Dougherty, Leventhal & Price, LLP
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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: October 26, 2026

BRIEFING SCHEDULE

Appellant
Tufano, Frank
Brief
Due: July 28, 2026 Filed:

Reproduced Record
Due: July 28, 2026 Filed:

Appellee
Lackawanna County
Brief

Tyler Technologies
Brief

DOCKET ENTRY

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

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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).

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DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
June 5, 2026	Order - Rule to Show Cause		Per Curiam

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."

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.

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. Flaxman v. Burnett, 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." Brady Contracting Co. v. W. Manchester Twp. Sewer Auth., 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. Marion v. Bryn Mawr Trust Company, 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.

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. 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." Keesee 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 also subject to quashal.

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.

June 17, 2026	Response to Order	Appellant	Tufano, Frank
June 18, 2026	Trial Court Record Received		Lackawanna County Civil Division

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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

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." Keesee 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.

August 12, 2026	Application for Reconsideration of Order	Appellant	Tufano, Frank
August 21, 2026	Order Denying Application for Reconsideration of Order		Per Curiam

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.

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DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
September 23, 2026	Application for Relief	Appellant	Tufano, Frank
September 24, 2026	Order Denying Application for Relief		Per Curiam
	Comment: Upon consideration of pro se Appellant's September 23, 2026 "Application for Continuance," docketed as "Application for Relief," 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 as moot.		
October 26, 2026	Remitted to Lower Court or Agency		Superior Court of Pennsylvania
November 3, 2026	Acknowledgement of Record Remittal		Lackawanna County Civil Division

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." Keesee 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.

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November 9, 2026

DISPOSITION INFORMATION

Dispositional Filing:
Filed Date:

Filing Author:

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