

Supreme Court of Pennsylvania



Allocatur Docket Sheet

Docket Number: 23 MAL 2026

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July 22, 2026

CAPTION

Antoine Poteat
v.
Gary Asteak and Nino V. Tinari

Petition of: Gary Asteak

CASE INFORMATION

Initiating Document: Petition for Allowance of Appeal

Case Status: Closed

Journal Number:

Case Category: Civil

Case Type(s): Contracts

CONSOLIDATED CASES

RELATED CASES

Docket No / Reason	Type
24 MAL 2026	Related
Same Record Below	
Poteat, A. v. Asteak, G., Pet of: Tinari, N.	

COUNSEL INFORMATION

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Pro Se: No
IFP Status:

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COUNSEL INFORMATION

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 IFP Status:

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 IFP Status:

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 Pro Se: No
 IFP Status:

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 Representing: Poteat, Antoine, Respondent
 Pro Se: No
 IFP Status:

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COUNSEL INFORMATION

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 Representing: Tinari, Nino V., Respondent
 Pro Se: No
 IFP Status:

SUPREME COURT INFORMATION

Appeal From:
 Appeal Filed Below:

Probable Jurisdiction Noted: Docketed Date: January 9, 2026
 Allocatur/Miscellaneous Granted: Allocatur/Miscellaneous Docket No.:
 Allocatur/Miscellaneous Grant Order:

FEE INFORMATION

Fee Dt	Fee Name	Fee Amt	Receipt Dt	Receipt No	Receipt Amt
01/09/2026	Petition for Allowance of Appeal Filed	91.25	01/09/2026	2026-SUP-M-000024	91.25

INTERMEDIATE APPELLATE COURT INFORMATION

Court Name: Superior Docket Number: 729 EDA 2023
 Date of Order: December 11, 2025 Rearg/Recon Disp Date:
 Rearg/Recon Disposition:
 Judge(s): Lazarus, Anne E.
 Panella, Jack A.
 Stabile, Victor P.
 Dubow, Alice B.
 Kunselman, Deborah A.
 Murray, Mary P.
 King, Megan
 Sullivan, Megan
 Beck, Jill
 Intermediate Appellate Court Action: Reversed/Remanded
 Referring Court:

AGENCY/TRIAL COURT INFORMATION

Court Below: Lehigh County Court of Common Pleas
 County: Lehigh Division: Lehigh County Civil Division
 Date of Agency/Trial Court Order: February 7, 2023
 Docket Number: 2022-C-02045
 Judge(s): Pavlack, Melissa T. OTN:

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Order Type: Order

ORIGINAL RECORD CONTENT

Original Record Item	Filed Date	Content/Description
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Record Remittal:

DISPOSITION INFORMATION

Related Journal No:		Judgment Date:	
Category:	Decided	Disposition Author:	Per Curiam
Disposition:	Order Granting Petition for Allowance of Appeal	Disposition Date:	July 13, 2026
Dispositional Filing:		Author:	
Filed Date:			

DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
January 9, 2026	Petition for Allowance of Appeal	Petitioner	Asteak, Gary
January 9, 2026	Reproduced Record	Petitioner	Asteak, Gary
January 14, 2026	Praecepte for Appearance Tinari, Nino V.	Respondent	Copeland, Audrey Jacobsen
January 22, 2026	Answer to Petition for Allowance of Appeal	Respondent	Poteat, Antoine
July 13, 2026	Order Granting Petition for Allowance of Appeal		Per Curiam

Comments:

AND NOW, this 13th day of July, 2026, the Petition for Allowance of Appeal docketed at 23 MAL 2026 is GRANTED. The issue, rephrased and condensed for clarity, is:

Whether the Superior Court majority's holding conflicts with this Court's holding in Bruno v. Erie Insurance Co., 160 A.3d 48 (Pa. 2014), as well as Superior Court opinions that applied Bruno, and departs from almost 200 years of controlling precedent that distinguishes between causes of action in contract and tort based upon the nature of the duty that was allegedly breached?

The Petition for Allowance of Appeal docketed at 24 MAL 2026 is GRANTED. The issues, as phrased by the petitioner, are:

(1) Does the Gist[-]of[-]the[-]Action Doctrine apply to contract claims and prohibit a plaintiff from recasting a claim of negligence as a breach of contract, when a plaintiff does not allege a breach of a specific term of the contract?

(2) Whether an implied duty to represent a client in a manner that comports with professional standards exists in all

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DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
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written agreements to perform legal services for a client, and whether that duty alone, may satisfy the duty element of a claim for breach of a contract for legal services without a breach of a specific executory promise in the agreement?

The Application for Leave to File Supplement to Petition for Allowance of Appeal docketed at 24 MAL 2026 is DENIED.

The Prothonotary is directed to consolidate these cases and to schedule them to be argued together.

July 13, 2026	Order Exited		
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Office of the Prothonotary

July 13, 2026	Case was transferred to 41 MAP 2026		
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Office of the Prothonotary

Comments:

Case was transferred to 41 MAP 2026

CROSS COURT ACTIONS

Docket Number:	24 MAL 2026
Docket Number:	41 MAP 2026
Docket Number:	42 MAP 2026
Docket Number:	729 EDA 2023