Supreme Court of Pennsylvania

Appeal Docket Sheet

Docket Number: 31 EAP 2023

October 30, 2026

CAPTION

Commonwealth of Pennsylvania, Pennsylvania Game Commission, Appellant

v.

Thomas E. Proctor Heirs Trust, under Declaration of Trust dated October 28, 1980, which is recorded in Sullivan County in Book 1106, at page 879, its successors and assigns, Appellee

CASE INFORMATION

Initiating Document:	Order Granting Petition for Certification of Question of Law		
Case Status:	Closed		
Journal Number:	J-53-2024 September 11, 2024		
Case Category:	Civil	Case Type(s):	Other

CONSOLIDATED CASES

RELATED CASES

COUNSEL INFORMATION

Attorney:	Scarinci, Michael John
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Representing:	Commonwealth of Pennsylvania, Pennsylvania Game Commission, Appellant
Pro Se:	No
IFP Status:	

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Pro Se:	No
IFP Status:	

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COUNSEL INFORMATION

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Receive EMail:	Yes Email:
Representing:	Thomas E. Proctor Heirs Trust, Appellee
Pro Se:	No
IFP Status:	

Attorney:	Healy, Christopher Robert
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Representing:	Thomas E. Proctor Heirs Trust, Appellee
Pro Se:	No
IFP Status:	

Attorney:	Lange, Laura Ann
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Representing:	Thomas E. Proctor Heirs Trust, Appellee
Pro Se:	No
IFP Status:	

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Representing:	Thomas E. Proctor Heirs Trust, Appellee
Pro Se:	No
IFP Status:	

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COUNSEL INFORMATION

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	GA BIBIKOS LLC	
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Pro Se:	No	
IFP Status:		

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Representing:	EQT AMD LLC, Amicus Curiae	
Pro Se:	No	
IFP Status:		
Representing:	EQT ARO LLC, Amicus Curiae	
Pro Se:	No	
IFP Status:		

Attorney:	Burnett, Robert Joseph	
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Receive EMail:	Yes	Email:
Representing:	International Development Company, LLC, Amicus Curiae	
Pro Se:	No	
IFP Status:		

Attorney:	Ebersole, Joshua Benjamin	
	Department of Conservation and Natural Resources	
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	Harrisburg, PA 17105	
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Receive Mail:	Yes	
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Representing:	Commonwealth Of Pennsylvania, Department of Conservation and Natural Resources, Amicus Curiae	
Pro Se:	No	
IFP Status:		

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COUNSEL INFORMATION

Attorney:	Oberdick, David Glenn	
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Receive EMail:	Yes	Email:
Representing:	Hoyt Royalty, LLC, Amicus Curiae	
Pro Se:	No	
IFP Status:		
Representing:	Thorne Heritage Resources, LLC, Amicus Curiae	
Pro Se:	No	
IFP Status:		

Attorney:	Woods, Corrie Allen	
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Receive Mail:	Yes	
Receive EMail:	Yes	Email:
Representing:	Donovan, Michael, Amicus Curiae	
Pro Se:	No	
IFP Status:		
Representing:	Reed, David, Amicus Curiae	
Pro Se:	No	
IFP Status:		

Attorney:	Armezzani, Richard Louis Myers, Brier & Kelly, LLP	
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Receive EMail:	Yes	Email:
Representing:	EQT AMD LLC, Amicus Curiae	
Pro Se:	No	
IFP Status:		
Representing:	EQT ARO LLC, Amicus Curiae	
Pro Se:	No	
IFP Status:		

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Supreme Court of Pennsylvania

Appeal Docket Sheet

Docket Number: 31 EAP 2023

October 30, 2026

COUNSEL INFORMATION

Attorney:	Dempsey, John B.
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Pro Se:	No
IFP Status:	
Representing:	EQT ARO LLC, Amicus Curiae
Pro Se:	No
IFP Status:	

Attorney:	O'Donnell, Brendan Andrew
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Receive Mail:	Yes
Representing:	International Development Company, LLC, Amicus Curiae
Pro Se:	No
IFP Status:	

SUPREME COURT INFORMATION

Appeal From:

Probable Jurisdiction Noted: Docketed Date: November 27, 2023

Allocatur/Miscellaneous Granted: November 27, 2023 Allocatur/Miscellaneous Docket No.: 77 EM 2023

Allocatur/Miscellaneous Grant Order: AND NOW, this 27th day of November, 2023, the Petition for Certification of Question of State Law is GRANTED. The Court shall consider the following issue:

Whether, on the record provided here, a 1908 tax sale of an unseated parcel of land, induced by the surface owner 's failure to pay taxes on the estate, and made to an agent of the defaulting surface owner, constitutes a title wash, thereby divesting the subsurface owner of his interest in the estate?

The Pennsylvania Game Commission is DESIGNATED as Appellant, and the Thomas E. Proctor Heirs Trust is DESIGNATED as Appellee.

The Prothonotary is DIRECTED to establish a briefing schedule and list this case for oral argument.

FEE INFORMATION

Fee Dt	Fee Name	Fee Amt	Receipt Dt	Receipt No	Receipt Amt

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Supreme Court of Pennsylvania

Appeal Docket Sheet

Docket Number: 31 EAP 2023

October 30, 2026

INTERMEDIATE APPELLATE COURT INFORMATION

Court Name:
Date of Order:
Docket Number:
Rearg/Recon Disp Date:
Rearg/Recon Disposition:

Judge(s):
Intermediate Appellate Court Action:
Referring Court: U. S. Court of Appeals, Third Circuit

AGENCY/TRIAL COURT INFORMATION

Court Below: U.S. Court of Appeals, 3rd Circuit
County:
Division: U.S. Court of Appeals, 3rd Circuit
Date of Agency/Trial Court Order:
Docket Number: 22-1587
Judge(s):
OTN:
Order Type:

Court Below:
County:
Division:
Date of Agency/Trial Court Order:
Docket Number: U.S. D.C. No. 1-12-cv-01567 - Conner,
Judge(s):
OTN:
Order Type:

ORIGINAL RECORD CONTENT

Original Record Item	Filed Date	Content/Description
Trial Court Record	November 27, 2023	

Record Remittal: June 23, 2025

BRIEFING SCHEDULE

Amicus Curiae

Commonwealth Of Pennsylvania, Department of Conservation and Natural Resources

Brief

Due: January 22, 2024 Filed: January 22, 2024

Donovan, Michael

Brief

Due: March 28, 2024 Filed: March 27, 2024

EQT AMD LLC

Brief

Due: January 22, 2024 Filed: January 22, 2024

EQT ARO LLC

Brief

Appellee

Thomas E. Proctor Heirs Trust

Brief

Due: March 27, 2024 Filed: March 27, 2024

Supplemental Reproduced Record

Due: March 27, 2024 Filed:

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Supreme Court of Pennsylvania

Appeal Docket Sheet

Docket Number: 31 EAP 2023

October 30, 2026

BRIEFING SCHEDULE

Amicus Curiae

EQT ARO LLC

Brief

Due: January 22, 2024 Filed: January 22, 2024

Hoyt Royalty, LLC

Brief

Due: March 27, 2024 Filed: March 27, 2024

International Development Company, LLC

Brief

Due: January 22, 2024 Filed: January 22, 2024

Marcellus Shale Coalition

Brief

Due: January 22, 2024 Filed: January 22, 2024

Reed, David

Brief

Due: March 28, 2024 Filed: March 27, 2024

Thorne Heritage Resources, LLC

Brief

Due: March 27, 2024 Filed: March 27, 2024

Appellant

Commonwealth of Pennsylvania, Pennsylvania Game Commission

Brief

Due: January 22, 2024 Filed: January 22, 2024

Reply Brief

Due: May 15, 2024 Filed: May 15, 2024

Reproduced Record

Due: January 22, 2024 Filed: January 22, 2024

SESSION INFORMATION

Journal Number: J-53-2024
Listed/Submitted Date: September 11, 2024
Consideration Type: Oral Argument Supreme Ct.

DISPOSITION INFORMATION

Related Journal No: J-53-2024 Judgment Date: May 30, 2025

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Supreme Court of Pennsylvania

Appeal Docket Sheet

Docket Number: 31 EAP 2023

October 30, 2026

DISPOSITION INFORMATION

Category:	Decided	Disposition Author:	Mundy, Sallie U.
Disposition:	Reversed, Remanded, Jurisdiction Relinquished	Disposition Date:	May 30, 2025
Dispositional Filing:	**Majority Opinion**	Author:	Mundy, Sallie U.
Filed Date:	May 30, 2025		

Justice:	Todd, Debra	Vote:	Join Majority Opinion
Justice:	Donohue, Christine	Vote:	Join Majority Opinion
Justice:	Dougherty, Kevin M.	Vote:	Join Majority Opinion
Justice:	Wecht, David N.	Vote:	Join Majority Opinion
Justice:	Brobson, P. Kevin	Vote:	Join Majority Opinion
Justice:	McCaffery, Daniel D.	Vote:	Join Majority Opinion

DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
November 27, 2023	**Granted Petition for Certification of Question of Law**		Per Curiam

Comments:
AND NOW, this 27th day of November, 2023, the Petition for Certification of Question of State Law is GRANTED. The Court shall consider the following issue: Whether, on the record provided here, a 1908 tax sale of an unseated parcel of land, induced by the surface owner's failure to pay taxes on the estate, and made to an agent of the defaulting surface owner, constitutes a title
wash, thereby divesting the subsurface owner of his interest in the estate? The Pennsylvania Game Commission is DESIGNATED as Appellant, and the Thomas E. Proctor Heirs Trust is DESIGNATED as Appellee. The Prothonotary is DIRECTED to establish a briefing schedule and list this case for oral argument.

November 27, 2023	**Case was transferred from 77 EM 2023**		Office of the Prothonotary

Comments:
Case was transferred from 77 EM 2023

November 27, 2023	**Original Record Transfer**		U.S. Court of Appeals, 3rd Circuit
December 7, 2023	**Designation of Contents of Reproduced Record**	Appellant	Commonwealth of Pennsylvania, Pennsylvania Game Commission
December 7, 2023	**Praecipe for Appearance** Thomas E. Proctor Heirs Trust	Appellee	Aronchick, Mark Alan
December 7, 2023	**Praecipe for Appearance** Thomas E. Proctor Heirs Trust	Appellee	Wiygul, Robert Andrew
December 15, 2023	**Application for Extension of Time to File Brief - First Request**	Appellant	Commonwealth of Pennsylvania, Pennsylvania Game Commission

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Supreme Court of Pennsylvania

Appeal Docket Sheet

Docket Number: 31 EAP 2023

October 30, 2026

DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
December 18, 2023	**Counter Designation of Contents of Reproduced Record**		
		Appellee	Thomas E. Proctor Heirs Trust
December 19, 2023	**Order Granting Application for Extension of Time to File Appellant Brief**		
			Gorman, Kaitlin A.
Comments: AND NOW, this 19th day of December, 2023, the "Designated Appellant's Unopposed Application for Extension of Time to File Its Opening Brief and the Reproduced Record" is GRANTED. Appellant's brief and reproduced record shall now be due in this Court on or before January 22, 2024.			
December 19, 2023	**Order Exited**		
			Office of the Prothonotary
January 22, 2024	**Appellant's Reproduced Record Filed**		
		Appellant	Commonwealth of Pennsylvania, Pennsylvania Game Commission
January 22, 2024	**Appellant's Brief**		
		Appellant	Commonwealth of Pennsylvania, Pennsylvania Game Commission
January 22, 2024	**Marcellus Shale Coalition**		
		Amicus Curiae	Marcellus Shale Coalition
January 22, 2024	**Commonwealth of Pa., Department of Conservation and Natural Resources**		
		Amicus Curiae	Commonwealth Of Pennsylvania, Department of Conservation and Natural Resources
January 22, 2024	**International Development Company**		
		Amicus Curiae	International Development Company, LLC
January 22, 2024	**EQT AMD LLC, EQT ARO LLC**		
		Amicus Curiae	EQT AMD LLC
		Amicus Curiae	EQT ARO LLC
February 1, 2024	**Application for Extension of Time to File Brief - First Request**		
		Appellee	Thomas E. Proctor Heirs Trust
February 7, 2024	**Order Granting Application for Extension of Time to File Appellee Brief**		
			Rothermel, Steven
Comments: AND NOW, this 7th day of February, 2024, the "Unopposed Application of Designated Appellee for Extension of Time to File Answer Brief" is GRANTED. Designated Appellee's brief is now due in this Court on or before March 27, 2024.			
February 7, 2024	**Order Exited**		
			Office of the Prothonotary
March 27, 2024	**Hoyt Royalty LLC, Thorne Heritage Resources**		
		Amicus Curiae	Thorne Heritage Resources, LLC
		Amicus Curiae	Hoyt Royalty, LLC

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Supreme Court of Pennsylvania

Appeal Docket Sheet

Docket Number: 31 EAP 2023

October 30, 2026

DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
March 27, 2024	**Michael Donovan & David Reed**		
		Amicus Curiae	Donovan, Michael
		Amicus Curiae	Reed, David
March 27, 2024	**Appellee's Brief**		
		Appellee	Thomas E. Proctor Heirs Trust
April 2, 2024	**Application for Extension of Time to File Brief - First Request**		
		Appellant	Commonwealth of Pennsylvania, Pennsylvania Game Commission
April 3, 2024	**Order Granting Application for Extension of Time to File Its Reply Brief - First Request**		
			Rothermel, Steven
Comments: AND NOW, this 3rd day of April, 2024, Designated Appellant's "Unopposed Application for Extension of Time to File Its Reply Brief - First Request" is GRANTED. Designated Appellant's reply brief is now due in this Court on or before May 15, 2024.			
April 3, 2024	**Order Exited**		
			Office of the Prothonotary
May 15, 2024	**Appellant's Reply Brief**		
		Appellant	Commonwealth of Pennsylvania, Pennsylvania Game Commission
May 15, 2024	**Application to Strike the Exhibits attached to the Brief of Amicus Thorne & Hoyt**		
		Appellant	Commonwealth of Pennsylvania, Pennsylvania Game Commission
May 29, 2024	**Answer of Amicus Thorne Heritage & Hoyt Royalty in Opposition to designated Appellant's Application**		
		Amicus Curiae	Thorne Heritage Resources, LLC
		Amicus Curiae	Hoyt Royalty, LLC
May 29, 2024	**Joinder of Appellee Thomas E. Proctor Heirs Trust in Answer of Appellant's Application to Strike**		
		Appellee	Thomas E. Proctor Heirs Trust
July 10, 2024	**Acknowledgement of Argument Notice**		
Commonwealth of Pennsylvania, Pennsylvania Game Commission		Appellant	Scarinci, Michael John
July 11, 2024	**Acknowledgement of Argument Notice**		
Thomas E. Proctor Heirs Trust		Appellee	Aronchick, Mark Alan
August 29, 2024	**Application for Amicus EQT AMD LLC and EQT ARO LLC to Present Oral Argument**		
		Amicus Curiae	EQT AMD LLC
		Amicus Curiae	EQT ARO LLC
September 3, 2024	**Answer to Application for Amicus EQT AMD LLC and EQT ARO LLC to Present Oral Argument**		
		Appellee	Thomas E. Proctor Heirs Trust

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Supreme Court of Pennsylvania

Appeal Docket Sheet

Docket Number: 31 EAP 2023

October 30, 2026

DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
September 9, 2024	**Order Denying Application for Oral Argument**		
			Per Curiam

Comments:
AND NOW, this 9th day of September, 2024, the Application of Amici Curiae to Present Oral Argument is DENIED.

September 9, 2024	**Order Exited**		
			Office of the Prothonotary
September 11, 2024	**Argued**		
	Commonwealth of Pennsylvania, Pennsylvania Game Commission	Appellant	Scarinci, Michael John
	Thomas E. Proctor Heirs Trust	Appellee	Aronchick, Mark Alan
May 30, 2025	**Jurisdiction Relinquished**		
			Mundy, Sallie U.

Comments:
In light of the foregoing, we answer the certified question in the negative. Based on the record provided here, McCauley's purchase of the Haines Warrant at the 1908 tax sale did not constitute a title wash but, rather, amounted to a mere payment of the delinquent taxes owed by CPLC and acted as a redemption of CPLC's prior interest in the Haines Warrant's surface estate. Accordingly, that purchase did not divest the Proctor heirs of their then-existing interest in the warrant's subsurface estate. Jurisdiction
relinquished.

Chief Justice Todd and Justices Donohue, Dougherty, Wecht, Brobson and McCaffery join the opinion.

May 30, 2025	**Judgment Entered**	
		Office of the Prothonotary
June 23, 2025	**Remitted**	
		Office of the Prothonotary
July 7, 2025	**Acknowledgement of Record Remittal**	
		U.S. Court of Appeals, 3rd Circuit

CROSS COURT ACTIONS

Docket Number: 77 EM 2023

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