

Supreme Court of Pennsylvania



Appeal Docket Sheet

Docket Number: 31 EAP 2023

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February 1, 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

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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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 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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 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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Pro Se:	No	
IFP Status:		
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Receive EMail:	Yes	Email:
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Pro Se:	No	
IFP Status:		
Representing:	EQT ARO LLC, Amicus Curiae	
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Pro Se:	No	
IFP Status:		
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Receive EMail:	Yes	Email:
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:		
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Receive EMail:	Yes	Email:
Representing:	Donovan, Michael, Amicus Curiae	
Pro Se:	No	
IFP Status:		
Representing:	Reed, David, Amicus Curiae	
Pro Se:	No	
IFP Status:		
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Receive Mail:	Yes	
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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COUNSEL INFORMATION

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

 Attorney: O'Donnell, Brendan Andrew

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 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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INTERMEDIATE APPELLATE COURT INFORMATION

Court Name:

Docket Number:

Date of Order:

Rearg/Recon Disp Date:

Judge(s):

Rearg/Recon Disposition:

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

Appellee

Thomas E. Proctor Heirs Trust

Brief

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

Donovan, Michael

Brief

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

Supplemental Reproduced Record

Due: March 27, 2024 Filed:

EQT AMD LLC

Brief

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

EQT ARO LLC

Brief

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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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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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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 Amicus Curiae	EQT AMD LLC EQT ARO LLC
February 1, 2024	Application for Extension of Time to File Brief - First Request	Appellee	Thomas E. Proctor Heirs Trust
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 Amicus Curiae	Thorne Heritage Resources, LLC Hoyt Royalty, LLC

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Filed Date	Docket Entry / Representing	Participant Type	Filed By
March 27, 2024	Michael Donovan & David Reed	Amicus Curiae Amicus Curiae	Donovan, Michael 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 Amicus Curiae	Thorne Heritage Resources, LLC 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	Appellant	Scarinci, Michael John
July 11, 2024	Acknowledgement of Argument Notice	Appellee	Aronchick, Mark Alan
August 29, 2024	Application for Amicus EQT AMD LLC and EQT ARO LLC to Present Oral Argument	Amicus Curiae Amicus Curiae	EQT AMD LLC 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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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