



## 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  
 Pennsylvania Office of Attorney General, 16th Floor , Strawberry Square, Harrisburg, PA

Address: Pa Office Of Attorney General  
 15TH Floor Strawberry Sq  
 Harrisburg, PA 17120

Phone No: (717) 857-2184

Receive Mail: Yes

Receive EMail: Yes Email:

Representing: Commonwealth of Pennsylvania, Pennsylvania Game Commission, Appellant

Pro Se: No

IFP Status:

Attorney: Weber, Justin G.  
 Troutman Pepper Hamilton Sanders LLP

Address: 100 Market St Ste 200  
 Harrisburg, PA 17101-2000

Phone No: (717) 255-1170

Receive Mail: Yes

Receive EMail: Yes Email:

Representing: Thomas E. Proctor Heirs Trust, Appellee

Pro Se: No

IFP Status:




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**COUNSEL INFORMATION**


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Attorney: Aronchick, Mark Alan  
 Hangley, Aronchick, Segal, Pudlin & Schiller  
 Address: Hangley Aronchick Et Al  
 1 Logan Sq Fl 27  
 Philadelphia, PA 19103-6995  
 Phone No: (215) 496-7002  
 Receive Mail: Yes  
 Receive EMail: Yes Email:  
 Representing: Thomas E. Proctor Heirs Trust, Appellee  
 Pro Se: No  
 IFP Status:

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Attorney: Healy, Christopher Robert  
 Troutman Pepper Hamilton Sanders LLP  
 Address: 3000 Two Logan Square  
 18th & Arch Streets  
 Philadelphia, PA 19103  
 Phone No: (215) 981-4644  
 Receive Mail: Yes  
 Receive EMail: Yes Email:  
 Representing: Thomas E. Proctor Heirs Trust, Appellee  
 Pro Se: No  
 IFP Status:

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Attorney: Lange, Laura Ann  
 Address: 1670 Sturbridge Dr  
 Sewickley, PA 15143  
 Phone No: (847) 800-8334  
 Receive Mail: Yes  
 Receive EMail: Yes Email:  
 Representing: Thomas E. Proctor Heirs Trust, Appellee  
 Pro Se: No  
 IFP Status:

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Attorney: Wiygul, Robert Andrew  
 Hangley Aronchick Segal Pudlin & Schiller  
 Address: Hangley Aronchick Et Al  
 18TH Cherry Sts Fl 27  
 Philadelphia, PA 19103  
 Phone No: (215) 496-7042  
 Receive Mail: Yes  
 Receive EMail: Yes Email:  
 Representing: Thomas E. Proctor Heirs Trust, Appellee  
 Pro Se: No  
 IFP Status:

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**COUNSEL INFORMATION**


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Attorney: Bibikos, George A.  
 GA BIBIKOS LLC  
 Address: 5901 Jonestown Rd # 6330  
 Harrisburg, PA 17112  
 Phone No: (717) 580-5305  
 Receive Mail: Yes  
 Receive EMail: Yes Email:  
 Representing: Marcellus Shale Coalition, Amicus Curiae  
 Pro Se: No  
 IFP Status:

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Attorney: Brier, Daniel Thomas  
 Myers, Brier & Kelly, LLP  
 Address: Myers Brier & Kelly  
 425 Biden St Ste 200  
 Scranton, PA 18503  
 Phone No: (570) 342-6100  
 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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Attorney: Burnett, Robert Joseph  
 Address: Houston Harbaugh Pc  
 401 Liberty Ave Fl 22  
 Pittsburgh, PA 15222-1005  
 Phone No: (412) 281-5060  
 Receive Mail: Yes  
 Receive EMail: Yes Email:  
 Representing: International Development Company, LLC, Amicus Curiae  
 Pro Se: No  
 IFP Status:

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Attorney: Ebersole, Joshua Benjamin  
 Department of Conservation and Natural Resources  
 Address: Pa Department Of Conservation And Natural Resources  
 400 Market St 7th Fl  
 Harrisburg, PA 17105  
 Phone No: (717) 783-4543  
 Receive Mail: Yes  
 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**


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Attorney: Oberdick, David Glenn

Address: Meyer Unkovic & Scott Llp  
535 Smithfield St Ste 1300  
Pittsburgh, PA 15222-2315

Phone No: (412) 456-2881

Receive Mail: Yes

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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Attorney: Woods, Corrie Allen

Address: 200 Commerce Dr Ste 210  
Moon Township, PA 15108

Phone No: (412) 329-7751

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:

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Attorney: Armezzani, Richard Louis  
Myers, Brier & Kelly, LLP

Address: Myers Brier & Kelly Llp  
425 Biden St Ste 200  
Scranton, PA 18503

Phone No: (570) 342-6100

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

Attorney: Dempsey, John B.  
 Address: Myers, Brier & Kelly, LLP  
 425 Spruce St Ste 200  
 425 Biden St Ste 200  
 Scranton, PA 18503-1851  
 Phone No: (570) 342-6100  
 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:

Attorney: O'Donnell, Brendan Andrew  
 Address: 3 Gateway Ctr 22nd Fl  
 401 Liberty Ave  
 Pittsburgh, PA 15222  
 Phone No: (412) 288-2226  
 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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**INTERMEDIATE APPELLATE COURT INFORMATION**

Court Name: \_\_\_\_\_ Docket Number: \_\_\_\_\_  
 Date of Order: \_\_\_\_\_ 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	
<b>Record Remittal:</b>	<b>June 23, 2025</b>	

**BRIEFING SCHEDULE**

<b>Amicus Curiae</b> <b>Commonwealth Of Pennsylvania, Department of Conservation and Natural Resources</b> <b>Brief</b> Due: January 22, 2024      Filed: January 22, 2024  <b>Donovan, Michael</b> <b>Brief</b> Due: March 28, 2024      Filed: March 27, 2024  <b>EQT AMD LLC</b> <b>Brief</b> Due: January 22, 2024      Filed: January 22, 2024  <b>EQT ARO LLC</b> <b>Brief</b>	<b>Appellee</b> <b>Thomas E. Proctor Heirs Trust</b> <b>Brief</b> Due: March 27, 2024      Filed: March 27, 2024  <b>Supplemental Reproduced Record</b> Due: March 27, 2024      Filed:
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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



## DISPOSITION INFORMATION

Category:	Decided	Disposition Author:	Mundy, Sallie U.
Disposition:	Reversed, Remanded, Jurisdiction Relinquished	Disposition Date:	May 30, 2025
Dispositional Filing:	<b>Majority Opinion</b>	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
<b>November 27, 2023</b>	<b>Granted Petition for Certification of Question of Law</b>		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.			
<b>November 27, 2023</b>	<b>Case was transferred from 77 EM 2023</b>		Office of the Prothonotary
Comments: Case was transferred from 77 EM 2023			
<b>November 27, 2023</b>	<b>Original Record Transfer</b>		U.S. Court of Appeals, 3rd Circuit
<b>December 7, 2023</b>	<b>Designation of Contents of Reproduced Record</b>	Appellant	Commonwealth of Pennsylvania, Pennsylvania Game Commission
<b>December 7, 2023</b>	<b>Praecepte for Appearance</b>	Appellee	Aronchick, Mark Alan
<b>December 7, 2023</b>	<b>Praecepte for Appearance</b>	Appellee	Wiygul, Robert Andrew
<b>December 15, 2023</b>	<b>Application for Extension of Time to File Brief - First Request</b>	Appellant	Commonwealth of Pennsylvania, Pennsylvania Game Commission



## DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
December 18, 2023	<b>Counter Designation of Contents of Reproduced Record</b>	Appellee	Thomas E. Proctor Heirs Trust
December 19, 2023	<b>Order Granting Application for Extension of Time to File Appellant Brief</b>		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	<b>Order Exited</b>		Office of the Prothonotary
January 22, 2024	<b>Appellant's Reproduced Record Filed</b>	Appellant	Commonwealth of Pennsylvania, Pennsylvania Game Commission
January 22, 2024	<b>Appellant's Brief</b>	Appellant	Commonwealth of Pennsylvania, Pennsylvania Game Commission
January 22, 2024	<b>Marcellus Shale Coalition</b>	Amicus Curiae	Marcellus Shale Coalition
January 22, 2024	<b>Commonwealth of Pa., Department of Conservation and Natural Resources</b>	Amicus Curiae	Commonwealth Of Pennsylvania, Department of Conservation and Natural Resources
January 22, 2024	<b>International Development Company</b>	Amicus Curiae	International Development Company, LLC
January 22, 2024	<b>EQT AMD LLC, EQT ARO LLC</b>	Amicus Curiae Amicus Curiae	EQT AMD LLC EQT ARO LLC
February 1, 2024	<b>Application for Extension of Time to File Brief - First Request</b>	Appellee	Thomas E. Proctor Heirs Trust
February 7, 2024	<b>Order Granting Application for Extension of Time to File Appellee Brief</b>		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	<b>Order Exited</b>		Office of the Prothonotary
March 27, 2024	<b>Hoyt Royalty LLC, Thorne Heritage Resources</b>	Amicus Curiae Amicus Curiae	Thorne Heritage Resources, LLC Hoyt Royalty, LLC



## DOCKET ENTRY

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 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 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



## DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
<b>September 9, 2024</b>	<b>Order Denying Application for Oral Argument</b>		Per Curiam
Comments: AND NOW, this 9th day of September, 2024, the Application of Amici Curiae to Present Oral Argument is DENIED.			
<b>September 9, 2024</b>	<b>Order Exited</b>		Office of the Prothonotary
<b>September 11, 2024</b>	<b>Argued</b>		
	Commonwealth of Pennsylvania, Pennsylvania Game Commission Thomas E. Proctor Heirs Trust	Appellant  Appellee	Scarinci, Michael John  Aronchick, Mark Alan
<b>May 30, 2025</b>	<b>Jurisdiction Relinquished</b>		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.			
<b>May 30, 2025</b>	<b>Judgment Entered</b>		Office of the Prothonotary
<b>June 23, 2025</b>	<b>Remitted</b>		Office of the Prothonotary
<b>July 7, 2025</b>	<b>Acknowledgement of Record Remittal</b>		U.S. Court of Appeals, 3rd Circuit

## CROSS COURT ACTIONS

Docket Number: 77 EM 2023