

Appeal Docket Sheet**Superior Court of Pennsylvania****Docket Number: 1155 MDA 2026****Page 1 of 6****September 24, 2026****CAPTION**

Frank Tufano
Appellant

v.

The Commonwealth of Pennsylvania

CASE INFORMATION

Initiating Document: Notice of Appeal

Case Status: Active

Case Processing Status: July 27, 2026 Awaiting Original Record

Journal Number:

Case Category: Civil

Case Type(s): Toxic Tort

CONSOLIDATED CASES**RELATED CASES**

Docket No / Reason

Type

1154 MDA 2026
Similar Issue(s)

Related

1156 MDA 2026
Similar Issue(s)

Related

SCHEDULED EVENT

Next Event Type: Original Record Received

Next Event Due Date: September 18, 2026

COUNSEL INFORMATION**Appellant Tufano, Frank**

IFP Status: No

Pro Se: Yes

Pro Se: Frank Tufano
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Appellee Union Lodge No 291

IFP Status: No

Pro Se: Yes

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Appeal Docket Sheet

Superior Court of Pennsylvania

Docket Number: 1155 MDA 2026

Page 2 of 6

September 24, 2026



COUNSEL INFORMATION

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Pro Se: No

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Appellee Powell, Mark

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Appellee Nealon, Terrence R.

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Appellee Moyle, Margaret Bisignani

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Appellee Lackawanna County

IFP Status: No

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Appeal Docket Sheet

Superior Court of Pennsylvania

Docket Number: 1155 MDA 2026

Page 3 of 6

September 24, 2026



COUNSEL INFORMATION

Appellee Jarbola, III, Andrew

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Appellee Gibbons, James A.

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Appellee Dempsey, Mary

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Appeal Docket Sheet

Superior Court of Pennsylvania

Docket Number: 1155 MDA 2026

Page 4 of 6

September 24, 2026



COUNSEL INFORMATION

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Appellee Barrasse, Michael J.

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FEE INFORMATION

Fee Dt	Fee Name	Fee Amt	Receipt Dt	Receipt No	Receipt Amt
07/20/2026	Notice of Appeal	91.25	07/27/2026	2026-SPR-M-000536	91.25
			08/20/2026	2026-SPR-M-000599	91.25

AGENCY/TRIAL COURT INFORMATION

Order Appealed From: July 16, 2026 Notice of Appeal Filed: July 20, 2026
 Order Type: Order Entered
 Documents Received: July 27, 2026

Court Below: Lackawanna County Court of Common Pleas
 County: Lackawanna Division: Lackawanna County Civil Division
 Judge: Zulick, Arthur L. OTN:
 Docket Number: 2026-01907 Judicial District: 45

Appeal Docket Sheet

Superior Court of Pennsylvania

Docket Number: 1155 MDA 2026

Page 5 of 6

September 24, 2026



ORIGINAL RECORD CONTENT

Original Record Item	Filed Date	Content Description
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Date of Remand of Record:

BRIEFING SCHEDULE

None

None

DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
July 27, 2026	Notice of Appeal Docketed	Appellant	Tufano, Frank
July 28, 2026	Docketing Statement Exited (Civil)		Superior Court of Pennsylvania
July 28, 2026	Entry of Appearance - Attorney General Commonwealth of Pennsylvania Attorney General	Appellee	Kelso, Chelsey Noelle
July 31, 2026	Entry of Appearance - Attorney General Commonwealth of Pennsylvania Attorney General	Appellee	Verbanac, Kiley Marie
August 10, 2026	Docketing Statement Received (Civil)	Appellant	Tufano, Frank
August 12, 2026	Outstanding Invoice Letter Sent		Middle District Filing Office
September 9, 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, it appears that the appeal is taken from the July 16, 2026 order dismissing Appellant's complaint against the Commonwealth of Pennsylvania with prejudice.

This Court has noted that "pursuant to 42 Pa.C.S.A. § 762(a)(1)(i) and (7), the Commonwealth Court has exclusive appellate jurisdiction of appeals involving tort claims against either a Commonwealth or local agency." *Flaxman v. Burnett*, 574 A.2d 1061, 1064 n.4 (Pa. Super. 1990). The Judicial Code defines the term "Commonwealth government" to include "the courts and other officers or agencies of the unified judicial system, the General Assembly and its officers and agencies, the Governor, and the departments, boards, commissions, authorities and officers and agencies of the Commonwealth, but the term does not include any political subdivision, municipal or other local authority, or any officer or agency of any such political subdivision or local authority." 42 Pa.C.S.A. § 102. A "local agency" 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).

Here, the trial court docket reflects that Appellant initiated this intentional tort-based action against the Commonwealth of Pennsylvania and Lackawanna County, among others. Since this matter concerns tort claims

Appeal Docket Sheet

Superior Court of Pennsylvania

Docket Number: 1155 MDA 2026

Page 6 of 6

September 24, 2026



DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
	asserted against both the Commonwealth government and a local agency, it appears that appellate jurisdiction of this appeal properly lies with the Commonwealth Court. 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. 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 of the appeal without further notice.		
September 23, 2026	Response to Rule to Show Cause	Appellant	Tufano, Frank
September 23, 2026	Application for Relief	Appellant	Tufano, Frank
Document Name: Application for Continuance			