Appeal Docket Sheet **Superior Court of Pennsylvania**

Docket Number: 1155 MDA 2026

November 9, 2026

CAPTION

Frank Tufano
Appellant
v.
The Commonwealth of Pennsylvania

CASE INFORMATION

Initiating Document:	Notice of Appeal		
Case Status:	Closed		
Case Processing Status:	September 28, 2026	Completed	
Journal Number:			
Case Category:	Civil	Case Type(s):	Toxic Tort

CONSOLIDATED CASES

RELATED CASES

SCHEDULED EVENT

Next Event Type: Next Event Due Date:

COUNSEL INFORMATION

Appellant **Tufano, Frank**
IFP/Waiver: No
Pro Se: Yes
Pro Se: Frank Tufano
Address: 25 Dundaff St
Carbondale, PA 18407
Phone No: (917) 599-2160 Fax No:

Appellee **Union Lodge No 291**
IFP/Waiver: No
Pro Se: Yes
Pro Se: Union Lodge No 291
Address: 420 Washington Ave.
Scranton, PA 18503

Appellee **Ruggiero, Frank**
IFP/Waiver: No
Pro Se: No
Attorney: Feigenbaum, Nicole Aileen
Law Firm: Administrative Office of Pennsylvania Courts (AOPC)
Address: Administrative Office Of Pennsylvania Courts
1515 Market St Ste 1414
Philadelphia, PA 19102
Phone No: (215) 560-6300 Fax No:

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COUNSEL INFORMATION

Appellee **Powell, Mark**
IFP/Waiver: Yes
Pro Se: No
Attorney: Feigenbaum, Nicole Aileen
Law Firm: Administrative Office of Pennsylvania Courts (AOPC)
Address: Administrative Office Of Pennsylvania Courts
1515 Market St Ste 1414
Philadelphia, PA 19102
Phone No: (215) 560-6300 Fax No:

Appellee **Nealon, Terrence R.**
IFP/Waiver: No
Pro Se: No
Attorney: Feigenbaum, Nicole Aileen
Law Firm: Administrative Office of Pennsylvania Courts (AOPC)
Address: Administrative Office Of Pennsylvania Courts
1515 Market St Ste 1414
Philadelphia, PA 19102
Phone No: (215) 560-6300 Fax No:

Appellee **Moyle, Margaret Bisignani**
IFP/Waiver: No
Pro Se: No
Attorney: Feigenbaum, Nicole Aileen
Law Firm: Administrative Office of Pennsylvania Courts (AOPC)
Address: Administrative Office Of Pennsylvania Courts
1515 Market St Ste 1414
Philadelphia, PA 19102
Phone No: (215) 560-6300 Fax No:

Appellee **Lackawanna County**
IFP/Waiver: No
Pro Se: Yes
Pro Se: Lackawanna County
Address: 123 Wyoming Avenue
Scranton, PA 18503

Appellee **Jarbola, III, Andrew**
IFP/Waiver: No
Pro Se: No
Attorney: Feigenbaum, Nicole Aileen
Law Firm: Administrative Office of Pennsylvania Courts (AOPC)
Address: Administrative Office Of Pennsylvania Courts
1515 Market St Ste 1414
Philadelphia, PA 19102
Phone No: (215) 560-6300 Fax No:

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COUNSEL INFORMATION

Appellee **Gibbons, James A.**
IFP/Waiver: No
Pro Se: No
Attorney: Feigenbaum, Nicole Aileen
Law Firm: Administrative Office of Pennsylvania Courts (AOPC)
Address: Administrative Office Of Pennsylvania Courts
1515 Market St Ste 1414
Philadelphia, PA 19102
Phone No: (215) 560-6300 Fax No:

Appellee **Dempsey, Mary**
IFP/Waiver: No
Pro Se: No
Attorney: Feigenbaum, Nicole Aileen
Law Firm: Administrative Office of Pennsylvania Courts (AOPC)
Address: Administrative Office Of Pennsylvania Courts
1515 Market St Ste 1414
Philadelphia, PA 19102
Phone No: (215) 560-6300 Fax No:

Appellee **Commonwealth of Pennsylvania Attorney General**
IFP/Waiver: No
Pro Se: No
Attorney: Malloy, James Francis
Law Firm: Pennsylvania Office of Attorney General, Strawberry Square, Harrisburg, PA 17120
Address: Pa Office Of Attorney General
417 Lackawanna Ave Ste 203
Scranton, PA 18503
Phone No: (570) 963-3056 Fax No:

Attorney: Kelso, Chelsey Noelle
Law Firm: Pennsylvania Office of Attorney General
Address: Pa Office Of Attorney General
1251 Waterfront Pl
Pittsburgh, PA 15222
Phone No: (716) 912-1450 Fax No:

Attorney: Verbanac, Kiley Marie
Law Firm: Pennsylvania Office of Attorney General
Address: 1251 Waterfront Pl
Mezzanine Level
Pittsburgh, PA 15222
Phone No: (412) 841-5713 Fax No:

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COUNSEL INFORMATION

Appellee **Barrasse, Michael J.**
IFP/Waiver: No
Pro Se: No
Attorney: Feigenbaum, Nicole Aileen
Law Firm: Administrative Office of Pennsylvania Courts (AOPC)
Address: Administrative Office Of Pennsylvania Courts
1515 Market St Ste 1414
Philadelphia, PA 19102
Phone No: (215) 560-6300 Fax No:

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

ORIGINAL RECORD CONTENT

Original Record Item	Filed Date	Content Description

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

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Appeal Docket Sheet **Superior Court of Pennsylvania**

Docket Number: 1155 MDA 2026

November 9, 2026

DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
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 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

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Appeal Docket Sheet **Superior Court of Pennsylvania**

Docket Number: 1155 MDA 2026

November 9, 2026

DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
September 25, 2026	Transferred to Commonwealth Court		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 asserted against both the Commonwealth government and a local agency, it appears that appellate jurisdiction of this appeal properly lies with the Commonwealth Court.

As such, by Order entered September 9, 2026, this Court directed Appellant to show cause as to why the appeal should not be transferred to the Commonwealth Court. Appellant responded, but did not meaningfully contest the Commonwealth Court's jurisdiction. The response is therefore legally insufficient.

Accordingly, the appeal is TRANSFERRED to the Commonwealth Court. All filings in this Court at the above-captioned appeal shall be transferred to the Commonwealth Court.□

The Prothonotary of this Court is DIRECTED to effectuate the transfer immediately.

September 28, 2026	Remitted - No Trial Court Record		Superior Court of Pennsylvania
September 28, 2026	Transfer Accepted		Superior Court of Pennsylvania

Document Name: Case was transferred to 1474 CD 2026

Comment: Case was transferred to 1474 CD 2026

DISPOSITION INFORMATION

Final Disposition: Yes

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DISPOSITION INFORMATION

Related Journal No:		Judgment Date:	
Category:	Disposed Before Decision	Disposition Author:	Per Curiam
Disposition:	Transferred to Commonwealth Court	Disposition Date:	September 25, 2026

Disposition 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 asserted against both the Commonwealth government and a local agency, it appears that appellate jurisdiction of this appeal properly lies with the Commonwealth Court.

As such, by Order entered September 9, 2026, this Court directed Appellant to show cause as to why the appeal should not be transferred to the Commonwealth Court. Appellant responded, but did not meaningfully contest the Commonwealth Court's jurisdiction. The response is therefore legally insufficient.

Accordi

Dispositional Filing:		Filing Author:	
Filed Date:			

CROSS COURT ACTIONS

Docket Number:	1474 CD 2026
Court Name:	Commonwealth
Short Caption:	Tufano, F. v. Com. of PA
Case Status:	Active
Disposition:	
Disposition Date:	
Petition Reargument/Reconsideration Filed Date:	
Reargument Disposition:	
Reargument Disposition Date:	
Cross Court Action Type:	Case Initiation

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