



## CAPTION

Rick Siger, in his capacity as Acting Secretary of the Department of Community and Economic Development  
v.  
City of Chester

Appeal of: City of Chester, Mayor Thaddeus Kirkland and City Council of the City of Chester

## CASE INFORMATION

Initiating Document: Notice of Appeal

Case Status: Closed

Journal Number: J-34A-2023 May 24, 2023

Case Category: Administrative Agency Case Type(s): Community and Economic Development, Department of

## CONSOLIDATED CASES

## RELATED CASES

Docket No / Reason	Type
101 MAP 2022 Same Record Below Siger, R. v. City of Chester Apl of: PFS VII, LLC	Related
15 MAP 2023 Same Record Below Dept of Comm and Econ Dev v. City of Chester, Apl	Related

## COUNSEL INFORMATION

Attorney: Pfeiffer, Mark D.  
Buchanan, Ingersoll & Rooney, P.C.

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50 S 16TH St Ste 3200  
Philadelphia, PA 19102-2555

Phone No: (215) 665-3921

Receive Mail: Yes

Receive EMail: Yes Email:

Representing: City Council of the City of Chester, Appellant

Pro Se: No

IFP Status:

Representing: City of Chester, Appellant

Pro Se: No

IFP Status:

Representing: Kirkland, Thaddeus, Appellant

Pro Se: No

IFP Status:




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**COUNSEL INFORMATION**


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Attorney: Tepper, H. Marc  
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 Representing: City of Chester, Appellant  
 Pro Se: No  
 IFP Status:  
 Representing: Kirkland, Thaddeus, Appellant  
 Pro Se: No  
 IFP Status:

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Attorney: Adams, J. Michael, Jr.  
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 Receive Mail: Yes  
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 Representing: Pennsylvania Department of Community and Economic Development, Appellee  
 Pro Se: No  
 IFP Status:  
 Representing: Siger, Rick, Appellee  
 Pro Se: No  
 IFP Status:

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Attorney: Campbell, Sean Christopher  
 Pennsylvania Department of Community & Economic Development  
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 Receive Mail: Yes  
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 Representing: Pennsylvania Department of Community and Economic Development, Appellee  
 Pro Se: No  
 IFP Status:

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Pro Se: Chester Economic Development Authority  
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 1 East Fourth Street  
 Chester, PA 19013  
 Receive Mail: Yes  
 Pro Se: Chester Economic Development Authority, Appellee  
 Pro Se: Yes  
 IFP Status:

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**COUNSEL INFORMATION**


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Pro Se: Chester Parking Authority  
 Address: Chester City Hall  
 1 East Fourth Street  
 Chester, PA 19013  
 Receive Mail: Yes  
 Pro Se: Chester Parking Authority, Appellee  
 Pro Se: Yes  
 IFP Status:

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Pro Se: Chester Redevelopment Authority  
 Address: Chester City Hall  
 1 East Fourth Street  
 Chester, PA 19013  
 Receive Mail: Yes  
 Pro Se: Chester Redevelopment Authority, Appellee  
 Pro Se: Yes  
 IFP Status:

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 Representing: Stormwater Authority of the City of Chester, Appellee  
 Pro Se: No  
 IFP Status:

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Attorney: Helbig, Thomas, Jr.  
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 Representing: PFS VII, LLC, Appellee  
 Pro Se: No  
 IFP Status:

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Pro Se: Jacobs, William  
 Address: Chester City Hall  
 1 East Fourth Street  
 Chester, PA 19013  
 Receive Mail: Yes  
 Pro Se: Jacobs, William, Appellee  
 Pro Se: Yes  
 IFP Status:

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**COUNSEL INFORMATION**


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Attorney: McLaughlin, John Patrick  
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 Pro Se: No  
 IFP Status:

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 Receive Mail: Yes  
 Representing: Doweary, Michael, Appellee  
 Pro Se: No  
 IFP Status:

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 Representing: Doweary, Michael, Appellee  
 Pro Se: No  
 IFP Status:

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Attorney: Harvey, Patrick James  
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 Bala Cynwyd, PA 19004  
 Phone No: (610) 227-2595  
 Receive Mail: Yes  
 Representing: Doweary, Michael, Appellee  
 Pro Se: No  
 IFP Status:

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**COUNSEL INFORMATION**


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Attorney: Irwin, Lori K.  
 Pennsylvania Office of General Counsel  
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 Commonwealth Keystone Building Office Of Chief Counsel  
 Harrisburg, PA 17120-0225  
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 Representing: Pennsylvania Department of Community and Economic Development, Appellee  
 Pro Se: No  
 IFP Status:

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Attorney: Patchen, Benjamin Richard  
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 Pro Se: No  
 IFP Status:

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 Pro Se: No  
 IFP Status:

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 Representing: Pennsylvania Department of Community and Economic Development, Appellee  
 Pro Se: No  
 IFP Status:  
 Representing: Siger, Rick, 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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 Representing: County of Delaware, Amicus Curiae  
 Pro Se: No  
 IFP Status:

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 Pro Se: No  
 IFP Status:

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 Receive EMail: Yes Email:  
 Representing: Chester Water Authority, Amicus Curiae  
 Pro Se: No  
 IFP Status:

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## COUNSEL INFORMATION

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 Representing: Chester Water Authority, Amicus Curiae  
 Pro Se: No  
 IFP Status:

## SUPREME COURT INFORMATION

Appeal From: the Order of the Commonwealth Court Order dated January 31, 2023 at No. 336 MD 2020.  
 Appeal Filed Below: 2/7/2023 12:00:00AM

Probable Jurisdiction Noted: Docketed Date: February 8, 2023  
 Allocatur/Miscellaneous Granted: Allocatur/Miscellaneous Docket No.:  
 Allocatur/Miscellaneous Grant Order:

## FEE INFORMATION

Fee Dt	Fee Name	Fee Amt	Receipt Dt	Receipt No	Receipt Amt
02/07/2023	Notice of Appeal	90.25	02/14/2023	2023-SUP-M-000436	90.25

## 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:

## AGENCY/TRIAL COURT INFORMATION

Court Below: Commonwealth Court of Pennsylvania  
 County: Division: Commonwealth Court of Pennsylvania  
 Date of Agency/Trial Court Order: January 31, 2023  
 Docket Number: 336 MD 2020  
 Judge(s): Ceisler, Ellen OTN:  
 Order Type: Order

## ORIGINAL RECORD CONTENT

Original Record Item	Filed Date	Content/Description
Transcript(s)		10
Exhibit(s)		6
Part(s)		131

**Record Remittal: February 15, 2024**



## BRIEFING SCHEDULE

<b>Amicus Curiae</b>		<b>Appellee</b>	
<b>Chester Water Authority</b>		<b>Chester Economic Development Authority</b>	
<b>Brief</b>		<b>Brief</b>	
Due: April 13, 2023	Filed: May 4, 2023	Due: April 27, 2023	Filed:
<b>County of Delaware</b>		<b>Chester Parking Authority</b>	
<b>Brief</b>		<b>Brief</b>	
Due: April 27, 2023	Filed: April 27, 2023	Due: April 27, 2023	Filed:
<b>Pennsylvania Lodge Fraternal Order of Police</b>		<b>Chester Redevelopment Authority</b>	
<b>Brief</b>		<b>Brief</b>	
Due: April 27, 2023	Filed: April 26, 2023	Due: April 27, 2023	Filed:
<b>Appellant</b>		<b>Dowearly, Michael</b>	
<b>City Council of the City of Chester</b>		<b>Brief</b>	
<b>Brief</b>		Due: April 27, 2023	Filed: April 27, 2023
Due: April 13, 2023	Filed: April 13, 2023	<b>Jacobs, William</b>	
<b>Reply Brief</b>		<b>Brief</b>	
Due: May 4, 2023	Filed: May 4, 2023	Due: April 27, 2023	Filed:
<b>Reproduced Record</b>		<b>Pennsylvania Department of Community and</b>	
Due: April 13, 2023	Filed: April 13, 2023	<b>Economic Development</b>	
<b>City of Chester</b>		<b>Letter in Lieu of Brief</b>	
<b>Brief</b>		Due: April 27, 2023	Filed: April 26, 2023
Due: April 13, 2023	Filed: April 13, 2023	<b>PFS VII, LLC</b>	
<b>Reply Brief</b>		<b>Brief</b>	
Due: May 4, 2023	Filed: May 4, 2023	Due: April 27, 2023	Filed:
<b>Reproduced Record</b>		<b>Siger, Rick</b>	
Due: April 13, 2023	Filed: April 13, 2023	<b>Brief</b>	
<b>Kirkland, Thaddeus</b>		Due: April 27, 2023	Filed:
<b>Brief</b>		<b>Stormwater Authority of the City of Chester</b>	
Due: April 13, 2023	Filed: April 13, 2023	<b>Brief</b>	
<b>Reply Brief</b>		Due: April 27, 2023	Filed:
Due: May 4, 2023	Filed: May 4, 2023		
<b>Reproduced Record</b>			
Due: April 13, 2023	Filed: April 13, 2023		

## SESSION INFORMATION

Journal Number: J-34A-2023  
Listed/Submitted Date: May 24, 2023  
Consideration Type: Oral Argument Supreme Ct.



## DISPOSITION INFORMATION

Related Journal No:	J-34A-2023	Judgment Date:	January 29, 2024
Category:	Decided	Disposition Author:	Per Curiam
Disposition:	Affirmed	Disposition Date:	January 29, 2024
Dispositional Filing:	<b>Order</b>	Author:	Per Curiam
Filed Date:	January 29, 2024		
Dispositional Filing:	<b>Majority Opinion</b>	Author:	Wecht, David N.
Filed Date:	January 29, 2024		
Justice:	Todd, Debra	Vote:	Joins
Justice:	Donohue, Christine	Vote:	Joins
Dispositional Filing:	<b>Concurring Opinion</b>	Author:	Brobson, P. Kevin
Filed Date:	January 29, 2024		
Dispositional Filing:	<b>Dissenting Opinion</b>	Author:	Dougherty, Kevin M.
Filed Date:	January 29, 2024		
Justice:	Mundy, Sallie U.	Vote:	Join Dissenting Opinion

## DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
<b>February 7, 2023</b>	<b>Notice of Appeal</b>	Appellant Appellant Appellant	City of Chester Kirkland, Thaddeus City Council of the City of Chester
Comments: PFS VII, LLC were Intevenors in Commonwealth Court			
<b>February 7, 2023</b>	<b>Application to Stay Portions of the 1-31-23 Decision and Request for Expedited Consideration</b>	Appellant Appellant Appellant	City of Chester Kirkland, Thaddeus City Council of the City of Chester



## DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
February 8, 2023	Jurisdictional Statement	Appellant Appellant Appellant	City of Chester Kirkland, Thaddeus City Council of the City of Chester
February 10, 2023	No Answer Letter to Jurisdictional Statement and Application for Stay	Amicus Curiae	Chester Water Authority
February 10, 2023	No Answer Letter to Jurisdictional Statement and Application for Stay	Appellee	Stormwater Authority of the City of Chester
February 10, 2023	No Answer Letter to Jurisdictional Statement and Application for Stay	Appellee	Pennsylvania Department of Community and Economic Development
February 10, 2023	Answer Letter to Jurisdictional Statement and Application for Stay	Appellee	Dowery, Michael
February 10, 2023	No Answer Letter to Jurisdictional Statement and Application for Stay	Appellee	PFS VII, LLC
February 10, 2023	Answer to Notice of Appeal & Jurisdictional Statement	Appellee	Dowery, Michael
February 14, 2023	Notice of Non-Participation	Amicus Curiae	Chester Water Authority
February 27, 2023	Order Regarding Application for Stay - Other Disposition		Per Curiam
Comments:			
<p>AND NOW, this 27th day of February, 2023, upon consideration of this Court's jurisdiction to entertain the merits of this appeal and Appellants' Application to Stay Portions of the Commonwealth Court's January 31, 2023 Order Confirming in Part, and Denying in Part, the Receiver's Modification of the Act 47 Recovery Plan for the City of Chester and Request for Expedited Consideration (Application), as well as the answer in opposition thereto filed by Michael Dowery, in his capacity as the statutory receiver for the City of Chester, the Court directs the parties to file supplemental memoranda of law pertaining to the applicability of Pa.R.A.P. 311(a)(2) to the current appeal and the propriety of the Court's exercise of its plenary or King's Bench jurisdiction over the appeal, as well as the impact of Appellants' notice of appeal under Pa.R.A.P. 1736(b). Appellants' memorandum of law is due by March 6, 2023, and Appellee's responsive memorandum of law is due by March 13, 2023.</p> <p>Justice Dougherty would enter a stay pending further review.</p>			
February 27, 2023	Order Exited		Office of the Prothonotary
March 6, 2023	Memorandum of Law	Appellant Appellant Appellant	City of Chester Kirkland, Thaddeus City Council of the City of Chester



## DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
March 8, 2023	<b>No Memorandum of Law to be Filed Letter</b>	Appellee	Pennsylvania Department of Community and Economic Development
March 13, 2023	<b>Responsive Memorandum of Law</b>	Appellee	Dowearly, Michael
March 22, 2023	<b>Application to Amend Responsive Memorandum of Law</b>	Appellee	Dowearly, Michael
March 22, 2023	<b>No Answer letter to Application to Amend Responsive Memorandum of Law</b>	Appellee	PFS VII, LLC
March 23, 2023	<b>No Answer letter to Application to Amend Responsive Memorandum of Law</b>	Appellee	Pennsylvania Department of Community and Economic Development
March 24, 2023	<b>No Answer letter to Application to Amend Responsive Memorandum of Law</b>	Appellant Appellant Appellant	City of Chester Kirkland, Thaddeus City Council of the City of Chester
March 24, 2023	<b>No Answer letter to Application to Amend Responsive Memorandum of Law</b>	Amicus Curiae	Chester Water Authority



## DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
March 29, 2023	<b>Order Exercising King's Bench Jurisdiction and Dismissing Application for Stay</b>		Per Curiam
Comments:			
AND NOW, this 29th day of March, 2023, upon consideration of the Notices of Appeals, Jurisdictional Statements and answers thereto, and Supplemental Briefs submitted by the parties, King's Bench jurisdiction is EXERCISED over these matters. The parties are directed to brief the following questions as set forth in the Jurisdictional Statements:			
1. Whether the City's home rule charter may be amended without a voter referendum required by Article IX, Section 2 of the Pennsylvania Constitution[?]			
2. Whether the modification to the Act 47 recovery plan may change the form of local government[?]			
3. Whether the administrative duties of the appointed officials may be suspended by a modification to an Act 47 recovery plan[?]			
4. Whether an Act 47 receiver may be given the right to remove items from the legislative agenda of city council[?]			
5. Whether a city solicitor may be required to disclose privileged information to an Act 47 receiver[?]			
6. Whether the confirmed modifications to the Act 47 recovery plan are necessary to achieve financial stability of the distressed municipality[?]			
7. Whether the separation of powers doctrine permits the Commonwealth Court to empower a receiver to exercise control over a local government[?].			
8. Whether the facts of the case warrant the suspension of the administrative duties of the officials [?]			
9. Whether the Commonwealth Court should have employed a more narrow remedy than suspension of the duties of the officials[?]			
The Prothonotary is directed to establish a briefing schedule so that this matter can be listed for our May 2023 argument in Harrisburg.			
The Application to Stay filed at 12 MAP 2023 is DISMISSED as moot, given the existence of the automatic supersedeas. See Pa.R.A.P. 3309(d) (indicating that, where this Court exercises its extraordinary or King's Bench jurisdiction, Chapter 17 of the Rules of Appellate Procedure applies); see also Pa.R.A.P. 1736(b) (delineating the automatic supersedeas).			
March 29, 2023	<b>Order Exited</b>		Office of the Prothonotary
March 29, 2023	<b>Application to Amend Responsive Memorandum of Law Dismissed as Moot</b>		Per Curiam
March 31, 2023	<b>Commonwealth Court Record Received</b>		Commonwealth Court of Pennsylvania
April 13, 2023	<b>Appellant's Brief</b>	Appellant Appellant Appellant	City of Chester Kirkland, Thaddeus City Council of the City of Chester
April 13, 2023	<b>Appellant's Reproduced Record Filed</b>	Appellant Appellant Appellant	City of Chester Kirkland, Thaddeus City Council of the City of Chester



## DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
<b>April 26, 2023</b>	<b>Acknowledgement of Argument Notice</b>		
	Kirkland, Thaddeus	Appellant	Pfeiffer, Mark D.
	City of Chester	Appellant	Pfeiffer, Mark D.
	City Council of the City of Chester	Appellant	Pfeiffer, Mark D.
<b>April 26, 2023</b>	<b>Letter in Lieu of Brief</b>	Appellee	Pennsylvania Department of Community and Economic Development
<b>April 26, 2023</b>	<b>Untimely Amicus Brief Received and Returned</b>	Amicus Curiae	Chester Water Authority
<b>April 26, 2023</b>	<b>Amicus Curiae Brief</b>	Amicus Curiae	Pennsylvania Lodge Fraternal Order of Police
<b>April 27, 2023</b>	<b>Application for Leave to File Amicus Brief Nunc Pro Tunc</b>	Amicus Curiae	Chester Water Authority
<b>April 27, 2023</b>	<b>Appellee's Brief</b>	Appellee	Dowearly, Michael
<b>April 27, 2023</b>	<b>Amicus Curiae Brief</b>	Amicus Curiae	County of Delaware
<b>May 1, 2023</b>	<b>Acknowledgement of Argument Notice</b>		
	Dowearly, Michael	Appellee	Allen, Tiffany R.
	Dowearly, Michael	Appellee	McLaughlin, John Patrick
	Dowearly, Michael	Appellee	Patchen, Benjamin Richard
<b>May 2, 2023</b>	<b>No Answer Letter</b>		
		Appellant	City of Chester
		Appellant	Kirkland, Thaddeus
		Appellant	City Council of the City of Chester
<b>May 3, 2023</b>	<b>No Answer Letter</b>	Appellee	PFS VII, LLC
<b>May 3, 2023</b>	<b>No Answer Letter</b>	Appellee	Dowearly, Michael
<b>May 3, 2023</b>	<b>No Answer Letter</b>	Appellee	Pennsylvania Department of Community and Economic Development
<b>May 4, 2023</b>	<b>Appellant's Reply Brief</b>		
		Appellant	City of Chester
		Appellant	Kirkland, Thaddeus
		Appellant	City Council of the City of Chester



## DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
<b>May 4, 2023</b>	<b>Order Granting Application for Leave to File Amicus Brief Nunc Pro Tunc</b>		Dreibelbis, Amy
Comments: AND NOW, this 4th day of May, 2023, Chester Water Authority's Application for Leave to File Amicus Brief Nunc Pro Tunc is granted and the Amicus Curiae Brief received from Chester Water Authority on April 26, 2023 is accepted for filing.			
<b>May 4, 2023</b>	<b>Order Exited</b>		Office of the Prothonotary
<b>May 4, 2023</b>	<b>Amicus Curiae Brief</b>	Amicus Curiae	Chester Water Authority
<b>May 24, 2023</b>	<b>Argued</b>		
	City of Chester	Appellant	Pfeiffer, Mark D.
	Kirkland, Thaddeus	Appellant	Pfeiffer, Mark D.
	City Council of the City of Chester	Appellant	Pfeiffer, Mark D.
	Dowery, Michael	Appellee	Allen, Tiffany R.
<b>May 30, 2023</b>	<b>Praecipe for Withdrawal of Appearance</b>		
	Pennsylvania Department of Community and Economic Development	Appellee	Teplitz, Robert Forman
<b>January 29, 2024</b>	<b>Affirmed</b>		Per Curiam
Comments: AND NOW, this 29th day of January, 2024, because the Justices are unable to reach consensus regarding the disposition of the Commonwealth Court's order, the order of the Commonwealth Court is AFFIRMED by operation of law.			
<b>January 29, 2024</b>	<b>Judgment Entered</b>		Office of the Prothonotary
<b>February 15, 2024</b>	<b>Remitted</b>		Office of the Prothonotary
<b>February 16, 2024</b>	<b>Acknowledgement of Record Remittal</b>		Commonwealth Court of Pennsylvania

## CROSS COURT ACTIONS

Docket Number:	101 MAP 2022
Docket Number:	191 MM 2025
Docket Number:	336 MD 2020