

Supreme Court of Pennsylvania



Appeal Docket Sheet

Docket Number: 55 EAP 2024

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April 18, 2025

CAPTION

Marlon Osbourne, M.D. and the City of Philadelphia Office of the Medical Examiner, Appellees

v.

Joshua M. Greenberg and Sandra Greenberg, Administrators of the Estate of Ms. Ellen R. Greenberg, Appellants

CASE INFORMATION

Initiating Document: Order Granting Petition for Allowance of Appeal

Case Status: Active

Journal Number:

Case Category: Civil

Case Type(s):

Mandamus

CONSOLIDATED CASES

RELATED CASES

COUNSEL INFORMATION

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IFP Status:
Representing: Greenberg, Sandra, Appellant
Pro Se: No
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COUNSEL INFORMATION

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 Representing: City of Philadelphia Office of the Medical Examiner, Appellee
 Pro Se: No
 IFP Status:
 Representing: Osbourne, Marlon, Appellee
 Pro Se: No
 IFP Status:

SUPREME COURT INFORMATION

Appeal From: the order of the Commonwealth Court entered on September 13, 2023, at No. 1461 CD 2021, reversing/remanding the order of the Court of Common Pleas of Philadelphia County, Civil Division, entered on October 21, 2021, at No. 191001241.

Probable Jurisdiction Noted: Docketed Date: July 30, 2024
 Allocatur/Miscellaneous Granted: July 30, 2024 Allocatur/Miscellaneous Docket No.: 332 EAL 2023
 Allocatur/Miscellaneous Grant Order: AND NOW, this 30th day of July, 2024, the Petition for Allowance of Appeal is GRANTED. The issue, as stated by Petitioners is:
 Whether, as an issue of statewide importance, executors and administrators of an estate have standing to challenge an erroneous finding recorded on the decedent's death certificate where that finding constitutes a bar or material impediment to recovery of victim's compensation, restitution or for wrongful death, as well as private criminal complaints.

Justice Wecht did not participate in the consideration or decision of this matter.

FEE INFORMATION

| Fee Dt | Fee Name | Fee Amt | Receipt Dt | Receipt No | Receipt Amt |
|--------|----------|---------|------------|------------|-------------|
|--------|----------|---------|------------|------------|-------------|

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INTERMEDIATE APPELLATE COURT INFORMATION

| | | | |
|--------------------------------------|---|--------------------------|--------------|
| Court Name: | Commonwealth | Docket Number: | 1461 CD 2021 |
| Date of Order: | September 13, 2023 | Rearg/Recon Disp Date: | |
| | | Rearg/Recon Disposition: | |
| Judge(s): | McCullough, Patricia A. Ceisler, Ellen Dumas, Lori A. | | |
| Intermediate Appellate Court Action: | Reversed/Remanded | | |
| Referring Court: | | | |

AGENCY/TRIAL COURT INFORMATION

| | | |
|-----------------------------------|---|--|
| Court Below: | Philadelphia County Court of Common Pleas | |
| County: | Philadelphia | Division: Philadelphia County Civil Division |
| Date of Agency/Trial Court Order: | October 21, 2021 | |
| Docket Number: | 191001241 | |
| Judge(s): | Hill, Glynnis D. | OTN: |
| Order Type: | Order | |

ORIGINAL RECORD CONTENT

| Original Record Item | Filed Date | Content/Description |
|--|---------------|---------------------|
| Commonwealth Court Record Electronically Transmitt | July 30, 2024 | |

Record Remittal:

BRIEFING SCHEDULE

Appellant

Greenberg, Joshua M.

Brief

Due: October 9, 2024 Filed: October 9, 2024

Reply Brief

Due: January 27, 2025 Filed: January 27, 2025

Reproduced Record

Due: October 9, 2024 Filed: October 9, 2024

Greenberg, Sandra

Brief

Due: October 9, 2024 Filed: October 9, 2024

Reply Brief

Due: January 27, 2025 Filed: January 27, 2025

Appellee

City of Philadelphia Office of the Medical Examiner

Brief

Due: December 12, 2024 Filed: December 12, 2024

Osbourne, Marlon

Brief

Due: December 12, 2024 Filed: December 12, 2024

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DOCKET ENTRY

| Filed Date | Docket Entry / Representing | Participant Type | Filed By |
|---|--|------------------|---|
| July 30, 2024 | Allocatur Granted | | Per Curiam |
| Comments: AND NOW, this 30th day of July, 2024, the Petition for Allowance of Appeal is GRANTED. The issue, as stated by Petitioners is: Whether, as an issue of statewide importance, executors and administrators of an estate have standing to challenge an erroneous finding recorded on the decedent's death certificate where that finding constitutes a bar or material impediment to recovery of victim's compensation, restitution or for wrongful death, as well as private criminal complaints. Justice Wecht did not participate in the consideration or decision of this matter . | | | |
| July 30, 2024 | Commonwealth Court Record Electronically Transmitted | | Commonwealth Court of Pennsylvania |
| August 5, 2024 | Praecipe for Appearance | | |
| | Greenberg, Joshua M. | Appellant | Sargent, James C., Jr. |
| | Greenberg, Sandra | Appellant | Sargent, James C., Jr. |
| August 5, 2024 | Application for Extension of Time to File Brief - First Request | | |
| | | Appellant | Greenberg, Joshua M. |
| | | Appellant | Greenberg, Sandra |
| August 6, 2024 | Order Granting Application for Extension of Time to File Brief and Reproduced Record | | Rothermel, Steven |
| Comments: AND NOW, this 6th day of August, 2024, the application for extension of time to file Appellants' brief and reproduced record is GRANTED. Appellants' brief and reproduced record are now due in this Court on or before October 9, 2024. | | | |
| August 6, 2024 | Order Exited | | Office of the Prothonotary |
| October 9, 2024 | Appellant's Brief | | |
| | | Appellant | Greenberg, Joshua M. |
| | | Appellant | Greenberg, Sandra |
| October 9, 2024 | Appellant's Reproduced Record Filed | | |
| | | Appellant | Greenberg, Joshua M. |
| November 6, 2024 | Application for Extension of Time to File Brief - First Request | | |
| | | Appellee | Osbourne, Marlon |
| | | Appellee | City of Philadelphia Office of the Medical Examiner |
| November 12, 2024 | Order Granting Application for Extension of Time to File Appellee Brief | | Rothermel, Steven |
| Comments: AND NOW, this 12th day of November, 2024, the "Appellees' First Unopposed Application for a 30-Day Extension of Time to File Brief" is GRANTED. Appellees' brief is now due in this Court on or before December 12, 2024. | | | |
| November 12, 2024 | Order Exited | | Office of the Prothonotary |

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DOCKET ENTRY

| Filed Date | Docket Entry / Representing | Participant Type | Filed By |
|--|--|------------------------|---|
| December 12, 2024 | Appellee's Brief | Appellee Appellee | Osbourne, Marlon City of Philadelphia Office of the Medical Examiner |
| December 19, 2024 | Application for Extension of Time to File Brief - First Request | Appellant Appellant | Greenberg, Joshua M. Greenberg, Sandra |
| December 24, 2024 | No Answer Letter | Appellee Appellee | Osbourne, Marlon City of Philadelphia Office of the Medical Examiner |
| December 26, 2024 | Order Granting Unopposed Application for Extension of Time to File Reply Brief of Appellants | | Rothermel, Steven |
| Comments: ND NOW, this 26th day of December, 2024, the "Unopposed Application for Extension of Time to File Reply Brief of Appellants" is GRANTED. Appellants' reply brief is now due in this Court on or before January 27, 2025. No further extensions of time shall be granted absent extraordinary circumstances. | | | |
| December 26, 2024 | Order Exited | | Office of the Prothonotary |
| January 27, 2025 | Appellant's Reply Brief | Appellant Appellant | Greenberg, Joshua M. Greenberg, Sandra |
| April 14, 2025 | Application for Discontinuance | Appellant Appellant | Greenberg, Joshua M. Greenberg, Sandra |
| April 14, 2025 | Answer to Application for Discontinuance | Appellee Appellee | Osbourne, Marlon City of Philadelphia Office of the Medical Examiner |

CROSS COURT ACTIONS

Docket Number: 1461 CD 2021
Docket Number: 332 EAL 2023