

Appeal Docket Sheet

Superior Court of Pennsylvania

Docket Number: 1449 MDA 2022

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April 20, 2024



CAPTION

J.C.D, III and A.M.D.

v.

A.L.R. and T.A. D-R.

Appellant

CASE INFORMATION

Initiating Document: Notice of Appeal

Case Status: Closed

Case Processing Status: February 13, 2023 Completed

Journal Number:

Case Category: Domestic Relations

Case Type(s):

Custody/Visitation

CONSOLIDATED CASES

RELATED CASES

SCHEDULED EVENT

Next Event Type:

Next Event Due Date:

COUNSEL INFORMATION

Appellant

T.A.D.

Pro Se: No

IFP Status: No

Attorney: Nonas-Hunter, Kathryn Irene

Law Firm: Ream, Carr, Markey, Woloshin & Hunter, LLP

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York, PA 17401

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Fax No:

Appellant

A.L.R.

Pro Se: No

IFP Status: No

Attorney: Nonas-Hunter, Kathryn Irene

Law Firm: Ream, Carr, Markey, Woloshin & Hunter, LLP

Address: 119 E Market St

York, PA 17401

Phone No: (717) 843-8968

Fax No:

Appellee

J.D.

Pro Se: No

IFP Status: No

Attorney: Ugarte, Roberto D.

Law Firm: Mooney Law

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FEE INFORMATION

Fee Dt	Fee Name	Fee Amt	Receipt Dt	Receipt No	Receipt Amt
10/12/2022	Notice of Appeal	90.25	10/17/2022	2022-SPR-M-000666	90.25

AGENCY/TRIAL COURT INFORMATION

Order Appealed From:	October 7, 2022	Notice of Appeal Filed:	October 12, 2022
Order Type:	Order Entered		
Documents Received:	October 17, 2022		

Court Below:	York County Court of Common Pleas		
County:	York	Division:	York County Civil Division
Judge:	Menges, N. Christopher	OTN:	
Docket Number:	2022-FC-001432-03	Judicial District:	19

ORIGINAL RECORD CONTENT

Original Record Item	Filed Date	Content Description
Original Record	November 09, 2022	ERMS
Exhibit(s)	November 09, 2022	ERMS
Trial Court Opinion	November 09, 2022	ERMS
Original Record *SENSITIVE*	November 09, 2022	ERMS
Testimony	November 09, 2022	ERMS

Date of Remand of Record: February 13, 2023

BRIEFING SCHEDULE

Appellant	Appellee
A.L.R.	J.D.
Brief	Brief
Due: December 9, 2022	Filed:
Reproduced Record	
Due: December 9, 2022	Filed:
T.A.D.	
Brief	
Due: December 9, 2022	Filed:
Reproduced Record	
Due: December 9, 2022	Filed:

DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
October 17, 2022	Notice of Appeal Docketed	Appellant	A.L.R.
		Appellant	T.A.D.
October 17, 2022	Docketing Statement Exited (Domestic Relations)		
			Superior Court of Pennsylvania

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DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
October 23, 2022	Docketing Statement Received (Domestic Relations)	Appellant Appellant	A.L.R. T.A.D.
October 25, 2022	Order - Rule to Show Cause		Per Curiam
<p>Comment: This appeal has been taken from the October 7, 2022 order in custody that finds that the Appellees have standing in this custody action. The October 7, 2022 order does not appear to be a final order in custody. See Pa.R.A.P. 341(b)(1) (a final order is any order that disposes of all claims and of all parties); Beltran v. Piersody, 748 A.2d 715 (Pa. Super. 2000) (an order granting a petition to intervene in an ongoing custody case is interlocutory and unappealable until the custody claims have been resolved); See also G.B. v M.M.B., 670 A.2d 714 (Pa. Super. 1996) (a custody order is final and appealable after the trial court has concluded its hearings on the matter and the resultant order resolves the pending custody claims between the parties.) Instantly, it appears that there are outstanding custody claims still before the trial court. Therefore, the October 7, 2022 order does not appear final or otherwise appealable.</p> <p>Accordingly, Appellant is hereby directed to show cause, within 10 days of the date of this order, as to the appealability of this order. Failure to respond to this directive may result in quashal of this appeal without further notice.</p>			
November 4, 2022	Response to Rule to Show Cause	Appellant Appellant	A.L.R. T.A.D.
November 9, 2022	Trial Court Record Received		York County Civil Division
November 9, 2022	Exhibits		York County Civil Division
November 9, 2022	Trial Court Opinion Received		York County Civil Division
November 9, 2022	Sealed Trial Court Record Received - Sensitive Documents		York County Civil Division
November 9, 2022	Transcripts of Testimony		York County Civil Division
November 9, 2022	Briefing Schedule Issued		Superior Court of Pennsylvania

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DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
November 14, 2022	Quash Sua Sponte		Per Curiam
<p>Comment: On October 25, 2022, Appellants were directed to show cause as to the appealability of the October 7, 2022 order that finds that the Appellees have standing in this custody action, given that it does not appear the October 7th Order is final or otherwise appealable. See Pa.R.A.P. 341(b)(1) (a final order is any order that disposes of all claims and of all parties); Beltran v. Piersody, 748 A.2d 715 (Pa. Super. 2000) (an order granting a petition to intervene in an ongoing custody case is interlocutory and unappealable until the custody claims have been resolved); see also G.B. v M.M.B., 670 A.2d 714 (Pa. Super. 1996) (a custody order is final and appealable after the trial court has concluded its hearings on the matter and the resultant order resolves the pending custody claims between the parties.) Appellants filed a response but did not present a legal basis for this Court's jurisdiction. Accordingly, the appeal at No. 1449 MDA 2022 is hereby QUASHED.</p>			
December 15, 2022	Petition for Allowance of Appeal to PA Supreme Court Filed	Appellant	A.L.R.
		Appellant	T.A.D.
<p>Comment: 588 MAL 2022 Filed in Supreme Court on 12/14/22</p>			
February 13, 2023	Petition for Allowance of Appeal to PA Supreme Court - Limited Grant		Supreme Court of Pennsylvania
<p>Comment: AND NOW, this 13th day of February, 2023, the Petition for Allowance of Appeal is GRANTED, LIMITED TO the issue set forth below. Allocatur is DENIED as to all remaining issues. With minor modifications, the issue, as stated by Petitioners, is:</p> <p>Whether the Pennsylvania Supreme Court should exercise judicial discretion and grant an appeal to Petitioners, as the trial court's order was appealable as of right under [Pa.R.A.P 313], as a collateral [order]?</p> <p>10/18/2023: Superior Court Order -AFFIRMED 10/18/2023: Concurring Opinion filed 10/18/2023: Dissenting Opinion filed</p>			
February 13, 2023	Record Remitted to Supreme Court		Superior Court of Pennsylvania
February 13, 2023	Acknowledgement of Record Remittal		Supreme Court of Pennsylvania

DISPOSITION INFORMATION

Final Disposition:	Yes	Judgment Date:	
Related Journal No:		Disposition Author:	Per Curiam
Category:	Disposed Before Decision	Disposition Date:	November 14, 2022
Disposition:	Quash Sua Sponte		

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DISPOSITION INFORMATION

Disposition Comment: On October 25, 2022, Appellants were directed to show cause as to the appealability of the October 7, 2022 order that finds that the Appellees have standing in this custody action, given that it does not appear the October 7th Order is final or otherwise appealable. See Pa.R.A.P. 341(b)(1) (a final order is any order that disposes of all claims and of all parties); Beltran v. Piersody, 748 A.2d 715 (Pa. Super. 2000) (an order granting a petition to intervene in an ongoing custody case is interlocutory and unappealable until the custody claims have been resolved); see also G.B. v M.M.B., 670 A.2d 714 (Pa. Super. 1996) (a custody order is final and appealable after the trial court has concluded its hearings on the matter and the resultant order resolves the pending custody claims between the parties.) Appellants filed a response but did not present a legal basis for this Court's jurisdiction. Accordingly, the appeal at No. 1449 MDA 2022 is hereby QUASHED.

Dispositional Filing:

Filing Author:

Filed Date:

CROSS COURT ACTIONS

Docket Number:	588 MAL 2022
Court Name:	Supreme
Short Caption:	A.M.D v. A.L.R, Pet.
Case Status:	Closed
Disposition:	Petition for Allowance of Appeal - Limited Grant
Disposition Date:	February 13, 2023
Petition Reargument/Reconsideration Filed Date:	
Reargument Disposition:	
Reargument Disposition Date:	
Cross Court Action Type:	Receive Final Decision from Supreme Court

Docket Number:	13 MAP 2023
Court Name:	Supreme
Short Caption:	A.M.D., et al. v. A.L.R, et al., Apls.
Case Status:	Closed
Disposition:	Affirmed
Disposition Date:	October 18, 2023
Petition Reargument/Reconsideration Filed Date:	
Reargument Disposition:	
Reargument Disposition Date:	
Cross Court Action Type:	