

Appeal Docket Sheet

Superior Court of Pennsylvania

Docket Number: 1449 MDA 2022

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October 4, 2023



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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 Phone No: (717) 843-8968 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
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 Phone No: (717) 843-8968 Fax No:

Appellee J.D.

Pro Se: No

IFP Status: No

Attorney: Ugarte, Roberto D.
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Appeal Docket Sheet**Superior Court of Pennsylvania****Docket Number: 1449 MDA 2022****Page 2 of 5****October 4, 2023****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 Appellant | A.L.R. 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 Appellant | A.L.R. 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> | | |
| 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: | Case Initiation |

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