

Commonwealth Docket Sheet

Commonwealth Court of Pennsylvania

Docket Number: 1754 CD 2019

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April 19, 2024



CAPTION

Firearm Owners Against Crime;
 Firearm Policy Coalition, Inc;
 Firearm Policy Foundation;
 Matthew Boardley, Saadyah Averick,
 Fred Rak

v.

City of Pittsburgh; Mayor William
 Peduto; Councilman Bruce Kraus;
 Councilman Corey O'Connor;
 Councilman R. Daniel Lavelle;
 Councilwoman Deb Gross;
 Councilwoman Erika Strassburger;
 and Councilman Ricky Burgess,
 Appellants

CASE INFORMATION

Initiating Document: Notice of Appeal

Case Status: Decided/Active

Case Processing Status: May 27, 2022 Filing of Decision or Opinion

Journal Number: 21-10-2020

Case Category: Civil Case Type(s): Declaratory Judgment

CONSOLIDATED CASES

RELATED CASES

Docket No / Reason	Type
1753 CD 2019 Same Issue(s)	Related
1810 CD 2019 Same Issue(s)	Related

COUNSEL INFORMATION

Appellant Strassburger, Erika

Pro Se: No

IFP Status:

Attorney: Doherty, John Fitzgerald
 Law Firm: City of Pittsburgh Law Department
 Address: City Of Pittsburgh Law Dept
 414 Grant St Ste 313
 Pittsburgh, PA 15219-2453

Phone No: (412) 255-2016 Fax No:

Attorney: Hilton, Yvonne Schlosberg
 Law Firm: City of Pittsburgh Law Department
 Address: City Of Pitt Law Dept
 414 Grant St Ste 313
 Pittsburgh, PA 15219-2453

Phone No: (412) 255-2001 Fax No:

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COUNSEL INFORMATION

Appellant **Strassburger, Erika**

Pro Se: No

IFP Status:

Attorney: Kobee, Wendy
Law Firm: City of Pittsburgh Law Department
Address: City Of Pittsburgh Dept Of Law
 414 Grant St Ste 313
 Pittsburgh, PA 15219-2419

Phone No: (412) 523-4111 Fax No:

Appellant **Peduto, William**

Pro Se: No

IFP Status:

Attorney: Doherty, John Fitzgerald
Law Firm: City of Pittsburgh Law Department
Address: City Of Pittsburgh Law Dept
 414 Grant St Ste 313
 Pittsburgh, PA 15219-2453

Phone No: (412) 255-2016 Fax No:

Attorney: Hilton, Yvonne Schlosberg
Law Firm: City of Pittsburgh Law Department
Address: City Of Pitt Law Dept
 414 Grant St Ste 313
 Pittsburgh, PA 15219-2453

Phone No: (412) 255-2001 Fax No:

Attorney: Kobee, Wendy
Law Firm: City of Pittsburgh Law Department
Address: City Of Pittsburgh Dept Of Law
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 Pittsburgh, PA 15219-2419

Phone No: (412) 523-4111 Fax No:

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COUNSEL INFORMATION

Appellant O'Connor, Corey

Pro Se: No

IFP Status:

Attorney: Doherty, John Fitzgerald
 Law Firm: City of Pittsburgh Law Department
 Address: City Of Pittsburgh Law Dept
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 Phone No: (412) 255-2016 Fax No:

Attorney: Hilton, Yvonne Schlosberg
 Law Firm: City of Pittsburgh Law Department
 Address: City Of Pitt Law Dept
 414 Grant St Ste 313
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 Phone No: (412) 255-2001 Fax No:

Attorney: Kobee, Wendy
 Law Firm: City of Pittsburgh Law Department
 Address: City Of Pittsburgh Dept Of Law
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 Phone No: (412) 523-4111 Fax No:

Appellant Lavelle, R. Daniel

Pro Se: No

IFP Status:

Attorney: Doherty, John Fitzgerald
 Law Firm: City of Pittsburgh Law Department
 Address: City Of Pittsburgh Law Dept
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 Phone No: (412) 255-2016 Fax No:

Attorney: Hilton, Yvonne Schlosberg
 Law Firm: City of Pittsburgh Law Department
 Address: City Of Pitt Law Dept
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 Phone No: (412) 255-2001 Fax No:

Attorney: Kobee, Wendy
 Law Firm: City of Pittsburgh Law Department
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COUNSEL INFORMATION

Appellant Kraus, Bruce

Pro Se: No

IFP Status:

Attorney: Doherty, John Fitzgerald
 Law Firm: City of Pittsburgh Law Department
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 Phone No: (412) 255-2016 Fax No:

Attorney: Hilton, Yvonne Schlosberg
 Law Firm: City of Pittsburgh Law Department
 Address: City Of Pitt Law Dept
 414 Grant St Ste 313
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 Phone No: (412) 255-2001 Fax No:

Attorney: Kobee, Wendy
 Law Firm: City of Pittsburgh Law Department
 Address: City Of Pittsburgh Dept Of Law
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Appellant Gross, Deb

Pro Se: No

IFP Status:

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 Law Firm: City of Pittsburgh Law Department
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 Phone No: (412) 255-2016 Fax No:

Attorney: Hilton, Yvonne Schlosberg
 Law Firm: City of Pittsburgh Law Department
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 Phone No: (412) 255-2001 Fax No:

Attorney: Kobee, Wendy
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COUNSEL INFORMATION

Appellant City of Pittsburgh

Pro Se: No

IFP Status:

Attorney: Doherty, John Fitzgerald
 Law Firm: City of Pittsburgh Law Department
 Address: City Of Pittsburgh Law Dept
 414 Grant St Ste 313
 Pittsburgh, PA 15219-2453
 Phone No: (412) 255-2016 Fax No:

Attorney: Vila-Roger, Krysia Kubiak
 Law Firm: City of Pittsburgh
 Address: City Of Pittsburgh Department Of Law
 414 Grant St
 Pittsburgh, PA 15219
 Phone No: (412) 255-2001 Fax No:

Attorney: Iverson, Kelly Kathleen
 Address: Carlson Lynch
 1133 Penn Ave 5th Fl
 Pittsburgh, PA 15222
 Phone No: (412) 253-4989 Fax No:

Attorney: Kobee, Wendy
 Law Firm: City of Pittsburgh Law Department
 Address: City Of Pittsburgh Dept Of Law
 414 Grant St Ste 313
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 Phone No: (412) 523-4111 Fax No:

Attorney: Gerber, Ryan
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 450 Lexington Avenue #4148
 New York, NY 10017
 Phone No: (646) 324-8198 Fax No:

Attorney: Tirschwell, Eric
 Address: Everytown Law
 450 Lexington Avenue #4184
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 Phone No: (646) 324-8222 Fax No:

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COUNSEL INFORMATION

Appellant Burgess, Ricky

Pro Se: No

IFP Status:

Attorney: Doherty, John Fitzgerald
 Law Firm: City of Pittsburgh Law Department
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 Phone No: (412) 255-2016 Fax No:

Attorney: Hilton, Yvonne Schlosberg
 Law Firm: City of Pittsburgh Law Department
 Address: City Of Pitt Law Dept
 414 Grant St Ste 313
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 Phone No: (412) 255-2001 Fax No:

Attorney: Kobee, Wendy
 Law Firm: City of Pittsburgh Law Department
 Address: City Of Pittsburgh Dept Of Law
 414 Grant St Ste 313
 Pittsburgh, PA 15219-2419
 Phone No: (412) 523-4111 Fax No:

Amicus Curiae Republican Caucus of the Pennsylvania House of Representatives

Pro Se: No

IFP Status:

Attorney: Corey, Rodney A.
 Law Firm: Pennsylvania House of Representatives Republican Caucus
 Address: Pa House Of Representatives
 Main Capitol Bldg Ste B 6 P.o. Box 202228
 Harrisburg, PA 17120-2228
 Phone No: (717) 783-1510 Fax No:

Attorney: Mann, James Guthrie
 Law Firm: Pennsylvania House of Representatives
 Address: Ste B 6 Main Capitol
 Po Box 202228
 Harrisburg, PA 17120-2228
 Phone No: (717) 783-1510 Fax No:

Attorney: Dymek, Thomas Walter
 Law Firm: Pennsylvania House of Representatives Republican Caucus
 Address: Pa House Of Representatives
 Main Capitol Po Box 202217
 Harrisburg, PA 17120-2217
 Phone No: (717) 783-5294 Fax No:

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COUNSEL INFORMATION

Amicus Curiae Brady

Pro Se: No

IFP Status:

Attorney: Bashman, Howard Jonathan
 Address: 2300 Computer Rd Ste G 22
 Willow Grove, PA 19090-1755
 Phone No: (215) 830-1458 Fax No:

Appellee Rak, Fred

Pro Se: No

IFP Status:

Attorney: Prince, Joshua Gareth
 Law Firm: Prince Law Offices, P.C.
 Address: Prince Law Ofcs Pc
 646 Lenape Rd
 Bechtelsville, PA 19505
 Phone No: (610) 845-3803 Fax No: (610) 400-8439
 Phone No: (888) 202-9297 x:81114

Appellee Firearm Policy Foundation

Pro Se: No

IFP Status:

Attorney: Prince, Joshua Gareth
 Law Firm: Prince Law Offices, P.C.
 Address: Prince Law Ofcs Pc
 646 Lenape Rd
 Bechtelsville, PA 19505
 Phone No: (610) 845-3803 Fax No: (610) 400-8439
 Phone No: (888) 202-9297 x:81114

Appellee Firearm Policy Coalition, Inc.

Pro Se: No

IFP Status:

Attorney: Prince, Joshua Gareth
 Law Firm: Prince Law Offices, P.C.
 Address: Prince Law Ofcs Pc
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COUNSEL INFORMATION

Appellee **Firearm Owners Against Crime**

Pro Se: No

IFP Status:

Attorney: Prince, Joshua Garett
 Law Firm: Prince Law Offices, P.C.
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 646 Lenape Rd
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Phone No: (610) 845-3803

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Appellee **Boardley, Matthew**

Pro Se: No

IFP Status:

Attorney: Prince, Joshua Garett
 Law Firm: Prince Law Offices, P.C.
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 646 Lenape Rd
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Phone No: (610) 845-3803

Fax No: (610) 400-8439

Phone No: (888) 202-9297 x:81114

Appellee **Averick, Saadyah**

Pro Se: No

IFP Status:

Attorney: Prince, Joshua Garett
 Law Firm: Prince Law Offices, P.C.
 Address: Prince Law Ofcs Pc
 646 Lenape Rd
 Bechtelsville, PA 19505

Phone No: (610) 845-3803

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FEE INFORMATION

Fee Dt	Fee Name	Fee Amt	Receipt Dt	Receipt No	Receipt Amt
11/18/2019	Notice of Appeal	90.25	12/18/2019	2019-CMW-H-002618	90.25

AGENCY/TRIAL COURT INFORMATION

Order Appealed From:	October 29, 2019	Notice of Appeal Filed:	November 18, 2019
Order Type:	Order Dated		
Documents Received:	November 22, 2019		
Court Below:	Allegheny County Court of Common Pleas		
County:	Allegheny	Division:	Allegheny County Civil Division
Judge:	James, Joseph M.	OTN:	
Docket Number:	GD-19-005330	Judicial District:	05

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ORIGINAL RECORD CONTENT

Original Record Item	Filed Date	Content Description
Trial Court Record	December 30, 2019	
Testimony	December 30, 2019	
Exhibit(s)	December 30, 2019	
Trial Court Opinion	December 30, 2019	

Date of Remand of Record:

BRIEFING SCHEDULE

Amicus Curiae	Appellee		
Brady	Averick, Saadyah		
Brief	Brief		
Due:	Filed: April 30, 2020	Due: June 2, 2020	Filed: June 1, 2020
Republican Caucus of the Pennsylvania House of Representatives	Boardley, Matthew		
Brief	Brief		
Due:	Filed: June 1, 2020	Due: June 2, 2020	Filed: June 1, 2020
Appellant	Firearm Owners Against Crime		
City of Pittsburgh	Brief		
Brief	Brief		
Due: March 31, 2020	Filed: April 30, 2020	Due: June 2, 2020	Filed: June 1, 2020
Reply Brief	Firearm Policy Coalition, Inc.		
Due: June 29, 2020	Brief	Due: June 2, 2020	Filed: June 1, 2020
Reproduced Record	Firearm Policy Foundation		
Due: March 31, 2020	Brief	Due: June 2, 2020	Filed: June 1, 2020
	Rak, Fred		
	Brief		
	Due: June 2, 2020	Filed: June 1, 2020	

DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
November 18, 2019	Notice of Appeal Filed			
	City of Pittsburgh		Appellant	
	Peduto, William		Appellant	
	Kraus, Bruce		Appellant	
	O'Connor, Corey		Appellant	
	Lavelle, R. Daniel		Appellant	
	Gross, Deb		Appellant	
	Strassburger, Erika		Appellant	
	Burgess, Ricky		Appellant	
December 24, 2019	Notice of Docketing Appeal Exited			12/24/2019
	Commonwealth Court Filing Office			

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Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
December 30, 2019	Trial Court Record Received Allegheny County Civil Division			
December 30, 2019	Transcripts of Testimony Allegheny County Civil Division			
December 30, 2019	Trial Court Exhibits Allegheny County Civil Division			
December 30, 2019	Trial Court Opinion Received Allegheny County Civil Division			
January 3, 2020	Docketing Statement Filed Kobee, Wendy Kobee, Wendy Kobee, Wendy Kobee, Wendy Kobee, Wendy Kobee, Wendy Kobee, Wendy Kobee, Wendy	Peduto, William City of Pittsburgh Kraus, Bruce O'Connor, Corey Gross, Deb Strassburger, Erika Burgess, Ricky Lavelle, R. Daniel	Appellant Appellant Appellant Appellant Appellant Appellant Appellant Appellant	
January 31, 2020	Application to be Admitted Pro Hac Vice Filed Iverson, Kelly Kathleen	City of Pittsburgh	Appellant	
January 31, 2020	Application to be Admitted Pro Hac Vice Filed Iverson, Kelly Kathleen	City of Pittsburgh	Appellant	
	Document Name: (PACFILED) on behalf of Eric Tirschwell, Esq.			
February 12, 2020	Order Granting Application to be Admitted Pro Hac Vice McCullough, Patricia A.			02/13/2020
	Document Name: Upon consideration of the motion of Kelly K. Iverson, Esq., for admission pro hac vice of Eric			
	Comment: Tirschwell, Esq., on behalf of Appellant City of Pittsburgh, it is hereby ordered: (1) Eric Tirschwell, Esq. is admitted pro hac vice to the bar of the Commonwealth of Pennsylvania under Pennsylvania Bar Admission Rule 301, as co-counsel on behalf of Appellant City of Pittsburgh in this matter; (2) Eric Tirschwell, Esq. shall abide by the rules of this Court including all disciplinary rules; (3) Eric Tirschwell, Esq. shall immediately notify this Court of any matter affecting his standing at the bar of any other court where he may be admitted to practice; and (4) Kelly K. Iverson, Esq., the moving attorney herein, shall continue to be responsible as counsel of record for the conduct of this matter on behalf of the Appellant City of Pittsburgh.			
February 12, 2020	Order Granting Application to be Admitted Pro Hac Vice McCullough, Patricia A.			02/13/2020
	Document Name: Upon consideration of the motion of Kelly K. Iverson, Esq., for admission pro hac vice of Ryan			
	Comment: Gerber, Esq., on behalf of Appellant City of Pittsburgh, it is hereby ordered: (1) Ryan Gerber, Esq. is admitted pro hac vice to the bar of the Commonwealth of Pennsylvania under Pennsylvania Bar Admission Rule 301, as co-counsel on behalf of Appellant City of Pittsburgh in this matter; (2) Ryan Gerber, Esq. shall abide by the rules of this Court including all disciplinary rules; (3) Ryan Gerber, Esq. shall immediately notify this Court of any matter affecting his standing at the bar of any other court where he may be admitted to practice; and (4) Kelly K. Iverson, Esq., the moving attorney herein, shall continue to be responsible as counsel of record for the conduct of this matter on behalf of the Appellant City of Pittsburgh.			

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Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
February 20, 2020	Briefing Schedule Issued Commonwealth Court Filing Office			
March 2, 2020	Designation of Contents of Reproduced Record Iverson, Kelly Kathleen	City of Pittsburgh	Appellant	
April 30, 2020	Amicus Curiae Brief Bashman, Howard Jonathan	Brady	Amicus Curiae	
April 30, 2020	Appellant's Brief Filed Iverson, Kelly Kathleen	City of Pittsburgh	Appellant	
April 30, 2020	Appellant's Reproduced Record Filed Iverson, Kelly Kathleen	City of Pittsburgh	Appellant	
June 1, 2020	Amicus Curiae Brief Republican Caucus of the Pennsylvania House of Representatives		Amicus Curiae	
June 1, 2020	Filed - Other Republican Caucus of the Pennsylvania House of Representatives		Amicus Curiae	
June 1, 2020	Appellee's Brief Filed Firearm Owners Against Crime Firearm Policy Coalition, Inc. Firearm Policy Foundation Boardley, Matthew Averick, Saadyah Rak, Fred		Appellee Appellee Appellee Appellee Appellee Appellee	
June 3, 2020	Application for Extension of Time to File Brief - First Request Kobee, Wendy Kobee, Wendy Kobee, Wendy Kobee, Wendy Kobee, Wendy Kobee, Wendy Kobee, Wendy Kobee, Wendy	Peduto, William City of Pittsburgh Kraus, Bruce O'Connor, Corey Gross, Deb Strassburger, Erika Burgess, Ricky Lavelle, R. Daniel	Appellant Appellant Appellant Appellant Appellant Appellant Appellant Appellant	

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Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
June 5, 2020	Order Granting Application for Extension of Time to File Appellant Paperbook Per Curiam			06/05/2020
	Document Name: upon consideration of Appellants' Application for Extension of Time to File Reply Brief Comment: (Application), and it appearing that the Application is unopposed, the Application is GRANTED. Appellants shall file and serve their reply brief (4 copies) on or before June 29, 2020.			
	Appellants are the following: the City of Pittsburgh, Mayor William Peduto, Councilman Bruce Kraus, Councilman Corey O'Connor, Councilman R. Daniel Lavelle, Councilwoman Deb Gross, Councilwoman Erika Strassburger, and Councilman Ricky Burgess.			
June 29, 2020	Appellant's Reply Brief Iverson, Kelly Kathleen	City of Pittsburgh	Appellant	
July 17, 2020	Filed - Other Corey, Rodney A.	Republican Caucus of the Pennsylvania Amicus Curiae		
	Document Name: Errata sheet			
August 2, 2020	Tentative Session Date Krimmel, Michael			
	Document Name: October 2020 (Pittsburgh)			
September 11, 2020	Argument Scheduled Krimmel, Michael			
	Document Name: Wednesday, October 14, 2020 @9:30 a.m. Before the Court En Banc sitting in CR 5001, PJC, Harrisburg Comment: No. 21 on the list of cases.			
September 18, 2020	Letter Krimmel, Michael			
	Document Name: Letter to counsel for extra copies of documents			
September 21, 2020	Argument Scheduled Krimmel, Michael			
	Document Name: CORRECTED NOTICE (Via WebEx Video Conference)			
September 29, 2020	Order Filed Per Curiam			09/29/2020
	Document Name: the above-captioned appeals are listed for argument seriatim before the court en banc on Comment: October 14, 2020. Forty minutes total argument time has been set aside to hear both cases. Counsel for appellants shall have twenty minutes to argue both appeals. Counsel for appellees shall share twenty minutes to respond to both appeals, and shall inform the Court at the time of argument how they intend to divide their time.			
May 27, 2022	Affirmed McCullough, Patricia A.			05/27/2022
	Document Name: Opinion (40 pages) Comment: AND NOW, this 27th day of May, 2022, the October 29, 2019 order of the Court of Common Pleas of Allegheny County is hereby AFFIRMED. Judge Wallace did not participate in the decision.			

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Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
June 2, 2022	Entry of Appearance Vila-Roger, Krysia Kubiak	City of Pittsburgh	Appellant	
	Document Name: Substiute Krysia Kubiak, esq. for Yvonne Hilton, esq. for the City of Pittsburgh			
June 27, 2022	Petition for Allowance of Appeal to PA Supreme Court Filed City of Pittsburgh Peduto, William Kraus, Bruce O'Connor, Corey Lavelle, R. Daniel Gross, Deb Strassburger, Erika Burgess, Ricky		Appellant Appellant Appellant Appellant Appellant Appellant Appellant Appellant	
	Document Name: 174 WAL 2022 Comment: 174 WAL 2022			

SESSION INFORMATION

Journal Number: 21-10-2020
 Consideration Type: En Banc Argument
 Listed/Submitted Date: October 14, 2020

Panel Composition:

The Honorable Mary Hannah Leavitt	President Judge
The Honorable Renee Cohn Jubelirer	Judge
The Honorable Patricia A. McCullough	Judge
The Honorable Anne E. Covey	Judge
The Honorable Michael H. Wojcik	Judge
The Honorable Christine Fizzano Cannon	Judge
The Honorable Ellen Ceisler	Judge

DISPOSITION INFORMATION

Final Disposition: Yes

Related Journal No:

Category: Decided

Disposition: Affirmed

Disposition Comment: AND NOW, this 27th day of May, 2022, the October 29, 2019 order of the Court of Common Pleas of Allegheny County is hereby AFFIRMED. Judge Wallace did not participate in the decision.

Dispositional Filing: **Opinion**

Filed Date: 5/27/2022 12:00:00AM

Judgment Date:

Disposition Author: McCullough, Patricia A.

Disposition Date: May 27, 2022

Filing Author: McCullough, Patricia A.

Dispositional Filing: **Concurring/Dissenting Opinion**

Filed Date: 5/27/2022 12:00:00AM

Filing Author: Ceisler, Ellen

Dispositional Filing: **Concurring/Dissenting Statement**

Filed Date: 5/27/2022 12:00:00AM

Filing Author: Cohn Jubelirer, Renee

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DISPOSITION INFORMATION

Dispositional Filing:

Concurring/Dissenting Statement

Filing Author:

Wojcik, Michael H.

Filed Date:

5/27/2022 12:00:00AM