

Appeal Docket Sheet

Docket Number: 3466 EDA 2019

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December 10, 2024



CAPTION

In The Matter of: Gladys DeAngelo, An Alleged Incapacitated Person

Appeal of: James C. DeAngelo

CASE INFORMATION

Initiating Document: Notice of Appeal IFP

Case Status: Closed

Case Processing Status: September 10, 2020 Completed

Journal Number:

Case Category: Orphans' Court Case Type(s): Guardianship/Trusteeship

CONSOLIDATED CASES

RELATED CASES

SCHEDULED EVENT

Next Event Type: Next Event Due Date:

COUNSEL INFORMATION

Appellant DeAngelo, James C.

Pro Se: Yes

IFP Status: Yes

Pro Se: James C. DeAngelo

Address: 708 Hillside Drive
West Chester, PA 19380

Appellee Chester County Department of Aging

Pro Se: No

IFP Status:

Attorney: Lavin, Seamus M.

Law Firm: Wetzel Gagliardi Fetter & Lavin, LLC

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COUNSEL INFORMATION

Participant Gladys DeAngelo, An Alleged Incapacitated Person

Pro Se: No

IFP Status:

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AGENCY/TRIAL COURT INFORMATION

Order Appealed From: November 4, 2019
Order Type: Order Entered
Documents Received: December 11, 2019

Notice of Appeal Filed: December 4, 2019

Court Below: Chester County Court of Common Pleas
County: Chester
Judge: Hall, John L.
Docket Number: No. 1519-0438

Division: Chester County Orphans' Court
OTN:
Judicial District: 15

ORIGINAL RECORD CONTENT

Table with 3 columns: Original Record Item, Filed Date, Content Description. Rows include Original Record, Trial Court Opinion, Exhibit(s), and Testimony.

Date of Remand of Record: September 10, 2020

BRIEFING SCHEDULE

Appellant DeAngelo, James C. Brief

Due: July 15, 2020

Filed:

Appellee Chester County Department of Aging Brief

Participant Gladys DeAngelo, An Alleged Incapacitated Person Brief

DOCKET ENTRY

Table with 4 columns: Filed Date, Docket Entry / Representing, Participant Type, Filed By. Row: December 11, 2019, Notice of Appeal IFP Docketed, Appellant, DeAngelo, James C.

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DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
December 11, 2019	Docketing Statement Exited (Domestic Relations)		Superior Court of Pennsylvania
January 2, 2020	Docketing Statement Received (Domestic Relations)	Appellant	DeAngelo, James C.
February 3, 2020	Trial Court Record Received		Chester County Orphans' Court
February 3, 2020	Trial Court Opinion Received		Chester County Orphans' Court
February 3, 2020	Briefing Schedule Issued		Superior Court of Pennsylvania
February 3, 2020	Exhibits		Chester County Orphans' Court
February 3, 2020	Transcripts of Testimony		Chester County Orphans' Court
March 6, 2020	Application for Extension of Time to File Brief - First Request	Appellant	DeAngelo, James C.
March 10, 2020	Order Granting Application for Extension of Time to File Appellant Brief		Per Curiam
	Comment: Granted until 4/30/2020		
April 22, 2020	Application for Extension of Time to File Brief - Second Request	Appellant	DeAngelo, James C.
April 24, 2020	Order Granting Application for Extension of Time to File Appellant Brief		Per Curiam
	Comment: Briefs due 6/15/2020. No further extensions will be granted.		
June 8, 2020	Application for Extension of Time to File Brief - Third Request	Appellant	DeAngelo, James C.

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DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
June 29, 2020	Order - Rule to Show Cause		Per Curiam
	<p>Comment: Upon consideration of Appellant's "Emergency Request For A Ten (10) Day Extension Of Time To File Appellant's Opening Brief And Reproduced Record Due To The Suspicious Death Of My Mother, Gladys Deangelo," Appellant is hereby GRANTED an extension of thirty (30) days to file a brief and reproduced record. Appellant's brief shall be filed on or before July 15, 2020.</p> <p>Further, in light of Appellant informing this Court of the death of Gladys DeAngelo, it appears this appeal may be moot. See In re Appointment of a Guardian of Gerber, 824 A.2d 1204 (Pa. Super. 2003) (dismissing as moot appeal from order appointing guardian of incapacitated person, where incapacitated person died during pendency of appeal). Accordingly, Appellant is directed to show cause within ten (10) days of the date of this order as to why this appeal should not be dismissed as moot. Failure to respond to this Court's directive within the time specified may result in the dismissal of this appeal without further notice.</p>		
July 14, 2020	Response to Rule to Show Cause	Appellant	DeAngelo, James C.
July 24, 2020	Dismissed Sua Sponte		Per Curiam
	<p>Comment: This appeal has been taken from the order entered on November 4, 2019, which appointed James Kurt Zimmerman and The Arc Alliance Guardian Services as co-guardians of Gladys DeAngelo. Ms. DeAngelo died on May 28, 2020, during the pendency of this appeal.</p> <p>"In this Commonwealth, an actual claim or controversy must be present at all stages of the judicial process for the case to be actionable or reviewable. If events occur to eliminate the claim or controversy at any stage in the process, the case becomes moot. In those instances, however, where the case involves an important public interest that is capable of repetition but is likely to continually evade appellate review, we may reach the merits of an appeal despite its technical mootness." In re Appointment of a Guardian of Gerber, 824 A.2d 1204, 1206 (Pa. Super. 2003) (dismissing as moot appeal from order appointing guardian of incapacitated person, where incapacitated person died during pendency of appeal).</p> <p>Here, the death of Gladys DeAngelo rendered this appeal moot, and Appellant has failed to establish any exception to the mootness doctrine. Accordingly, the appeal at No. 3466 EDA 2019 is hereby DISMISSED.</p>		
September 10, 2020	Remitted to Lower Court or Agency		Superior Court of Pennsylvania
September 22, 2020	Acknowledgement of Record Remittal		Chester County Orphans' Court

DISPOSITION INFORMATION

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DISPOSITION INFORMATION

Final Disposition:	Yes	Judgment Date:	
Related Journal No:		Disposition Author:	Per Curiam
Category:	Disposed Before Decision	Disposition Date:	July 24, 2020
Disposition:	Dismissed Sua Sponte		

Disposition Comment: This appeal has been taken from the order entered on November 4, 2019, which appointed James Kurt Zimmerman and The Arc Alliance Guardian Services as co-guardians of Gladys DeAngelo. Ms. DeAngelo died on May 28, 2020, during the pendency of this appeal.

"In this Commonwealth, an actual claim or controversy must be present at all stages of the judicial process for the case to be actionable or reviewable. If events occur to eliminate the claim or controversy at any stage in the process, the case becomes moot. In those instances, however, where the case involves an important public interest that is capable of repetition but is likely to continually evade appellate review, we may reach the merits of an appeal despite its technical mootness." In re Appointment of a Guardian of Gerber, 824 A.2d 1204, 1206 (Pa. Super. 2003) (dismissing as moot appeal from order appointing guardian of incapacitated person, where incapacitated person died during pendency of appeal).

Here, the death of Gladys DeAngelo rendered this appeal moot, and Appellant has failed to establish any exception to the mootness doctrine. Accordingly, the appeal at No. 3466 EDA 2019 is hereby DISMISSED.

Dispositional Filing:	Filing Author:
Filed Date:	