

THE COURTS

Title 210—APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE

[210 PA. CODE CH. 3]

Order Amending Rule 311 and 312 of the Pennsylvania Rules of Appellate Procedure; No. 302 Appellate Court Rules Docket

Order

Per Curiam

And Now, this 8th day of September, 2022, upon the recommendation of the Appellate Court Procedural Rules Committee; the proposal having been submitted without publication pursuant to Pa.R.J.A. 103(a)(3):

It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules 311 and 312 of the Pennsylvania Rules of Appellate Procedure are amended in the attached form.

This Order shall be processed in accordance with Pa.R.J.A. 103(b), and shall be effective January 1, 2023.

Additions to the rule are shown in bold and are underlined.

Deletions from the rule are shown in bold and brackets.

Annex A

TITLE 210. APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE

ARTICLE I. PRELIMINARY PROVISIONS

CHAPTER 3. ORDERS FROM WHICH APPEALS MAY BE TAKEN

INTERLOCUTORY APPEALS

Rule 311. Interlocutory Appeals as of Right.

(a) [***General rule.—***] ***General Rule.*** An appeal may be taken as of right and without reference to Pa.R.A.P. 341(c) from **the following types of orders**:

(1) [***Affecting judgments.—***] ***Affecting Judgments.*** An order refusing to open, vacate, or strike off a judgment. If orders opening, vacating, or striking off a judgment are sought in the alternative, no appeal may be filed until the court has disposed of each claim for relief.

(2) [***Attachments, etc.—***] ***Attachments, etc.*** An order confirming, modifying, dissolving, or refusing to confirm, modify or dissolve an attachment, custodianship, receivership, or similar matter affecting the possession or control of property, except for orders pursuant to 23 Pa.C.S. §§ 3323(f), 3505(a).

(3) [***Change of criminal venue or venire.—***] ***Change of Criminal Venue or Venire.*** An order changing venue or venire in a criminal proceeding.

(4) [***Injunctions.—***] ***Injunctions.*** An order that grants or denies, modifies or refuses to modify, continues or refuses to continue, or dissolves or refuses to dissolve an injunction unless the order was entered:

(i) Pursuant to 23 Pa.C.S. §§ 3323(f), 3505(a); or

(ii) After a trial but before entry of the final order. Such order is immediately appealable, however, if the order enjoins conduct previously permitted or mandated or permits or mandates conduct not previously mandated or permitted, and is effective before entry of the final order.

(5) [***Peremptory judgment in mandamus.—***] ***Peremptory Judgment in Mandamus.*** An order granting peremptory judgment in mandamus.

(6) [***New trials.—***] ***New Trials.*** An order in a civil action or proceeding awarding a new trial, or an order in a criminal proceeding awarding a new trial where the defendant claims that the proper disposition of the matter would be an absolute discharge or where the Commonwealth claims that the trial court committed an error of law.

(7) [***Partition.—***] ***Partition.*** An order directing partition.

(8) [***Other cases.—***] ***Other Cases.*** An order that is made final or appealable by statute or general rule, even though the order does not dispose of all claims and of all parties.

(b) [***Order sustaining venue or personal or in rem jurisdiction.—***] ***Order Sustaining Venue or Personal or In Rem Jurisdiction.*** An appeal may be taken as of right from an order in a civil action or proceeding sustaining the venue of the matter or jurisdiction over the person or over real or personal property if:

(1) the plaintiff, petitioner, or other party benefiting from the order files of record within ten days after the entry of the order an election that the order shall be deemed final; or

(2) the court states in the order that a substantial issue of venue or jurisdiction is presented.

(c) [***Changes of venue, etc.—***] ***Changes of Venue, etc.*** An appeal may be taken as of right from an order in a civil action or proceeding changing venue, transferring the matter to another court of coordinate jurisdiction, or declining to proceed in the matter on the basis of *forum non conveniens* or analogous principles.

(d) [***Commonwealth appeals in criminal cases.—***] ***Commonwealth Appeals in Criminal Cases.*** In a criminal case, under the circumstances provided by law, the Commonwealth may take an appeal as of right from an order that does not end the entire case where the Commonwealth certifies in the notice of appeal that the order will terminate or substantially handicap the prosecution.

(e) [***Orders overruling preliminary objections in eminent domain cases.—***] ***Orders Overruling Preliminary Objections in Eminent Domain Cases.*** An appeal may be taken as of right from an order overruling preliminary objections to a declaration of taking and an order overruling preliminary objections to a petition for appointment of a board of viewers.

(f) [*Administrative remand.*—] Administrative Remand. An appeal may be taken as of right from:

(1) an order of a common pleas court or government unit remanding a matter to an administrative agency or hearing officer for execution of the adjudication of the reviewing tribunal in a manner that does not require the exercise of administrative discretion; or

(2) an order of a common pleas court or government unit remanding a matter to an administrative agency or hearing officer that decides an issue that would ultimately evade appellate review if an immediate appeal is not allowed.

(g) [*Waiver of objections.*] Waiver of Objections.

(1) Except as provided in [subparagraphs (g)(1)(ii), (iii), and (iv)] subdivision (g)(1), failure to file an appeal of an interlocutory order does not waive any objections to the interlocutory order:

(i) RESCINDED.

(ii) Failure to file an appeal from an interlocutory order under [subparagraph (b)(1) or paragraph (c)] subdivision (b)(1) or subdivision (c) of this rule shall constitute a waiver of all objections to jurisdiction over the person or over the property involved or to venue, etc., and the question of jurisdiction or venue shall not be considered on any subsequent appeal.

(iii) Failure to file an appeal from an interlocutory order under [paragraph] subdivision (e) of this rule shall constitute a waiver of all objections to such an order.

(iv) Failure to file an appeal from an interlocutory order refusing to compel arbitration, appealable under 42 Pa.C.S. § 7320(a)(1) and [subparagraph] subdivision (a)(8) of this rule, shall constitute a waiver of all objections to such an order.

(2) Where no election that an interlocutory order shall be deemed final is filed under [subparagraph] subdivision (b)(1) of this rule, the objection may be raised on any subsequent appeal.

(h) [*Further proceedings in the trial court.*—] Further Proceedings in the Trial Court. Pa.R.A.P. 1701(a) shall not be applicable to a matter in which an interlocutory order is appealed under [subparagraphs] subdivisions (a)(2) or (a)(4) of this rule.

[*Official Note:*

Authority—This rule implements 42 Pa.C.S. § 5105(c), which provides:

(c) *Interlocutory appeals.* There shall be a right of appeal from such interlocutory orders of tribunals and other government units as may be specified by law. The governing authority shall be responsible for a continuous review of the operation of section 702(b) (relating to interlocutory appeals by permission) and shall from time to time establish by general rule rights to appeal from such classes of interlocutory orders, if any, from which appeals are regularly permitted pursuant to section 702(b).

The appeal rights under this rule and under Pa.R.A.P. 312, Pa.R.A.P. 313, Pa.R.A.P. 341, and Pa.R.A.P. 342 are cumulative; and no inference shall be drawn from the fact that two or more rules may be applicable to an appeal from a given order.

Paragraph (a)—If an order falls under Pa.R.A.P. 311, an immediate appeal may be taken as of right simply by filing a notice of appeal. The procedures set forth in Pa.R.A.P. 341(c) and 1311 do not apply to an appeal under Pa.R.A.P. 311.

Subparagraph (a)(1)—The 1989 amendment to subparagraph (a)(1) eliminated interlocutory appeals of right from orders opening, vacating, or striking off a judgment while retaining the right of appeal from an order refusing to take any such action.

Subparagraph (a)(2)—The 1987 Amendment to subparagraph (a)(2) is consistent with appellate court decisions disallowing interlocutory appeals in matrimonial matters. *Fried v. Fried*, 501 A.2d 211 (Pa. 1985); *O'Brien v. O'Brien*, 519 A.2d 511 (Pa. Super. 1987).

Subparagraph (a)(3)—Change of venire is authorized by 42 Pa.C.S. § 8702. Pa.R.Crim.P. 584 treats changes of venue and venire the same. Thus an order changing venue or venire is appealable by the defendant or the Commonwealth, while an order refusing to change venue or venire is not.

See also Pa.R.A.P. 903(c)(1) regarding time for appeal.

Subparagraph (a)(4)—The 1987 amendment to subparagraph (a)(4) is consistent with appellate court decisions disallowing interlocutory appeals in matrimonial matters. *Fried v. Fried*, 501 A.2d 211, 215 (Pa. 1985); *O'Brien v. O'Brien*, 519 A.2d 511, 514 (Pa. Super. 1987).

The 1996 amendment to subparagraph (a)(4) reconciled two conflicting lines of cases by adopting the position that generally an appeal may not be taken from a *decree nisi* granting or denying a permanent injunction.

The 2009 amendment to the rule conformed the rule to the 2003 amendments to the Pennsylvania Rules of Civil Procedure abolishing actions in equity and thus eliminating the *decree nisi*. Because *decrees nisi* were in general not appealable to the extent they were not effective immediately upon entry, this principle has been expressly incorporated into the body of the rule as applicable to any injunction.

Subparagraph (a)(5)—Subparagraph (a)(5), added in 1996, authorizes an interlocutory appeal as of right from an order granting a motion for peremptory judgment in mandamus without the condition precedent of a motion to open the peremptory judgment in mandamus. An order denying a motion for peremptory judgment in mandamus remains unappealable.

Subparagraph (a)(8)—Subparagraph (a)(8) recognizes that orders that are procedurally interlocutory may be made appealable by statute or general rule. For example, see 27 Pa.C.S. § 8303. The Pennsylvania Rules of Civil Procedure, the Pennsylvania Rules of Criminal Procedure, etc., should also be consulted.

See Pa.R.A.P. 341(f) for appeals of Post Conviction Relief Act orders.

Following a 2005 amendment to Pa.R.A.P. 311, orders determining the validity of a will or trust were appealable as of right under former

subparagraph(a)(8). Pursuant to the 2011 amendments to Pa.R.A.P. 342, such orders are now immediately appealable under Pa.R.A.P. 342(a)(2).

Paragraph (b)—Paragraph (b) is based in part on the Act of March 5, 1925, P.L. 23. The term “civil action or proceeding” is broader than the term “proceeding at law or in equity” under the prior practice and is intended to include orders entered by the orphans’ court division. *Cf. In the Matter of Phillips*, 370 A.2d 307 (Pa. 1977).

In subparagraph (b)(1), a plaintiff is given a qualified (because it can be overridden by petition for and grant of permission to appeal under Pa.R.A.P. 312) option to gamble that the venue of the matter or personal or *in rem* jurisdiction will be sustained on appeal. Subparagraph (g)(1)(ii) provides that if the plaintiff timely elects final treatment, the failure of the defendant to appeal constitutes a waiver. The appeal period under Pa.R.A.P. 903 ordinarily runs from the entry of the order, and not from the date of filing of the election, which procedure will ordinarily afford at least 20 days within which to appeal. *See* Pa.R.A.P. 903(c) as to treatment of special appeal times. If the plaintiff does not file an election to treat the order as final, the case will proceed to trial unless (1) the trial court makes a finding under subparagraph (b)(2) of the existence of a substantial question of jurisdiction and the defendant elects to appeal, (2) an interlocutory appeal is permitted under Pa.R.A.P. 312, or (3) another basis for appeal appears, for example, under subparagraph (a)(1), and an appeal is taken. Presumably, a plaintiff would file such an election where plaintiff desires to force the defendant to decide promptly whether the objection to venue or jurisdiction will be seriously pressed. Paragraph (b) does not cover orders that do not sustain jurisdiction because they are, of course, final orders appealable under Pa.R.A.P. 341.

Subparagraph (b)(2)—The 1989 amendment to subparagraph (b)(2) permits an interlocutory appeal as of right where the trial court certifies that a substantial question of venue is present. This eliminated an inconsistency formerly existing between paragraph (b) and subparagraph (b)(2).

Paragraph (c)—Paragraph (c) is based in part on the act of March 5, 1925 (P.L. 23, No. 15). The term “civil action or proceeding” is broader than the term “proceeding at law or in equity” under the prior practice and is intended to include orders entered by the orphans’ court division. *Cf. In the Matter of Phillips*, 370 A.2d 307, 308 (Pa. 1977).

Paragraph (c) covers orders that do not sustain venue, such as orders under Pa.R.C.P. 1006(d) and (e).

However, the paragraph does not relate to a transfer under 42 Pa.C.S. § 933(c)(1), 42 Pa.C.S. § 5103, or any other similar provision of law, because such a transfer is not to a “court of coordinate jurisdiction” within the meaning of this rule; it is intended that there shall be no right of appeal from a transfer order based on improper subject matter jurisdiction. Such orders may be appealed by permission under Pa.R.A.P. 312, or an appeal as of right may be taken from an order dismissing the matter for lack of jurisdiction. *See Balshy v. Rank*, 490 A.2d 415, 416 (Pa. 1985).

Other orders relating to subject matter jurisdiction (which for this purpose does not include questions as to the form of action, such as between law and equity, or divisional assignment, *see* 42 Pa.C.S. § 952) will be appealable under Pa.R.A.P. 341 if jurisdiction is not sustained, and otherwise will be subject to Pa.R.A.P. 312.

Paragraph (d)—Pursuant to paragraph (d), the Commonwealth has a right to take an appeal from an interlocutory order provided that the Commonwealth certifies in the notice of appeal that the order terminates or substantially handicaps the prosecution. *See* Pa.R.A.P. 904(e). This rule supersedes *Commonwealth v. Dugger*, 486 A.2d 382, 386 (Pa. 1985). *Commonwealth v. Dixon*, 907 A.2d 468, 471 n.8 (Pa. 2006).

Paragraph (f)—Pursuant to paragraph (f), there is an immediate appeal as of right from an order of a common pleas court or government unit remanding a matter to an administrative agency or hearing officer for execution of the adjudication of the reviewing tribunal in a manner that does not require the exercise of administrative discretion. Examples of such orders include: a remand by a court of common pleas to the Department of Transportation for removal of points from a drivers license; and an order of the Workers’ Compensation Appeal Board reinstating compensation benefits and remanding to a referee for computation of benefits.

Paragraph (f) further permits immediate appeal from an order of a common pleas court or government unit remanding a matter to an administrative agency or hearing officer that decides an issue that would ultimately evade appellate review if an immediate appeal is not allowed. *See Lewis v. Sch. Dist. of Philadelphia*, 690 A.2d 814, 816 (Pa. Cmwlth. 1997).

Subparagraph (g)(1)(iv)—Subparagraph (g)(1)(iv), added in 2015, addresses waiver in the context of appeals from various classes of arbitration orders. All six types of arbitration orders identified in 42 Pa.C.S. § 7320(a) are immediately appealable as of right. Differing principles govern these orders, some of which are interlocutory and some of which are final. The differences affect whether an order is appealable under this rule or Pa.R.A.P. 341(b) and whether an immediate appeal is necessary to avoid waiver of objections to the order.

- **Section 7320(a)(1)**—An interlocutory order refusing to compel arbitration under 42 Pa.C.S. § 7320(a)(1) is immediately appealable pursuant to Pa.R.A.P. 311(a)(8). Failure to appeal the interlocutory order immediately waives all objections to it. *See* Pa.R.A.P. 311(g)(1)(iv). This supersedes the holding in *Cooke v. Equitable Life Assurance Soc’y*, 723 A.2d 723, 726 (Pa. Super. 1999). Pa.R.A.P. 311(a)(8) and former Pa.R.A.P. 311(g)(1)(i) require a finding of waiver based on failure to appeal the denial order when entered).

- **Section 7320(a)(2)**—Failure to appeal an interlocutory order granting an application to stay arbitration under 42 Pa.C.S. § 7304(b) does not waive the right to contest the stay; an aggrieved party may appeal such an order immediately under Pa.R.A.P. 311(a)(8) or challenge the order on appeal from the final judgment.

- **Section 7320(a)(3)**—(a)(6)—If an order is appealable under 42 Pa.C.S. § 7320(a)(3), (4), (5), or (6)

because it is final, that is, the order disposes of all claims and of all parties, see Pa.R.A.P. 341(b), failure to appeal immediately waives all issues. If the order does not dispose of all claims or of all parties, then the order is interlocutory. An aggrieved party may appeal such an order immediately under Pa.R.A.P. 311(a)(8) or challenge the order on appeal from the final judgment.

Paragraph (h)—See note to Pa.R.A.P. 1701(a).]

(This is entirely new text.)

(*Editor's Note:* The following text is proposed to be added and is printed in regular type to enhance readability.)

Comment:

Authority—This rule implements 42 Pa.C.S. § 5105(c), which provides:

(c) *Interlocutory appeals.* There shall be a right of appeal from such interlocutory orders of tribunals and other government units as may be specified by law. The governing authority shall be responsible for a continuous review of the operation of section 702(b) (relating to interlocutory appeals by permission) and shall from time to time establish by general rule rights to appeal from such classes of interlocutory orders, if any, from which appeals are regularly permitted pursuant to section 702(b).

The appeal rights under this rule and under Pa.R.A.P. 312, Pa.R.A.P. 313, Pa.R.A.P. 341, and Pa.R.A.P. 342 are cumulative, and no inference shall be drawn from the fact that two or more rules may be applicable to an appeal from a given order.

Subdivision (a)—If an order falls under Pa.R.A.P. 311, an immediate appeal may be taken as of right simply by filing a notice of appeal. The procedures set forth in Pa.R.A.P. 341(c) and 1311 do not apply to an appeal under Pa.R.A.P. 311.

Subdivision (a)(3)—Change of venue is authorized by 42 Pa.C.S. § 8702. Pa.R.Crim.P. 584 treats changes of venue and venire the same. Thus, an order changing venue or venire is appealable by the defendant or the Commonwealth, while an order refusing to change venue or venire is not. See also Pa.R.A.P. 903(c)(1) regarding time for appeal.

Subdivision (a)(4)—This subdivision does not apply to an order granting or denying an application filed with a trial court under Pa.R.A.P. 1732(a) (stays or injunctions pending appeal). Any further relief may be sought directly from the appellate court under Pa.R.A.P. 1732(b). See *In re Passarelli Trust*, 231 A.3d 969 (Pa. Super. 2020).

Subdivision (a)(5) authorizes an interlocutory appeal as of right from an order granting a motion for peremptory judgment in mandamus without the condition precedent of a motion to open the peremptory judgment in mandamus. An order denying a motion for peremptory judgment in mandamus remains unappealable.

Subdivision (a)(6)—See *Commonwealth v. Wardlaw*, 249 A.3d 937 (Pa. 2021) (holding that an order declaring a mistrial only is not “an order in a criminal proceeding awarding a new trial”).

Subdivision (a)(8) recognizes that orders that are procedurally interlocutory may be made appealable by statute or general rule. For example, see 27 Pa.C.S. § 8303. The Pennsylvania Rules of Civil Procedure, the

Pennsylvania Rules of Criminal Procedure, etc., should also be consulted. See Pa.R.A.P. 341(f) for appeals of Post Conviction Relief Act orders.

Subdivision (b) is based in part on the Act of March 5, 1925, P.L. 23. The term “civil action or proceeding” is broader than the term “proceeding at law or in equity” under the prior practice and is intended to include orders entered by the orphans’ court division. Cf. *In the Matter of Phillips*, 370 A.2d 307 (Pa. 1977).

In subdivision (b)(1), a plaintiff is given a qualified option to gamble that the venue of the matter or personal or *in rem* jurisdiction will be sustained on appeal because it can be overridden by petition for and grant of permission to appeal under Pa.R.A.P. 312. Subdivision (g)(1)(ii) provides that if the plaintiff timely elects final treatment, the failure of the defendant to appeal constitutes a waiver. The appeal period under Pa.R.A.P. 903 ordinarily runs from the entry of the order, and not from the date of filing of the election, which procedure will ordinarily afford at least 20 days within which to appeal. See Pa.R.A.P. 903(c) as to treatment of special appeal times. If the plaintiff does not file an election to treat the order as final, the case will proceed to trial unless (1) the trial court makes a finding under subdivision (b)(2) of the existence of a substantial question of jurisdiction and the defendant elects to appeal, (2) an interlocutory appeal is permitted under Pa.R.A.P. 312, or (3) another basis for appeal appears, for example, under subdivision (a)(1), and an appeal is taken. Presumably, a plaintiff would file such an election where plaintiff desires to force the defendant to decide promptly whether the objection to venue or jurisdiction will be seriously pressed. Subdivision (b) does not cover orders that do not sustain jurisdiction because they are, of course, final orders appealable under Pa.R.A.P. 341.

Subdivision (c) is based in part on the act of March 5, 1925 (P.L. 23, No. 15). The term “civil action or proceeding” is broader than the term “proceeding at law or in equity” under the prior practice and is intended to include orders entered by the orphans’ court division. Cf. *In the Matter of Phillips*, 370 A.2d 307, 308 (Pa. 1977). Subdivision (c) covers orders that do not sustain venue, such as orders under Pa.R.C.P. 1006(d) and (e).

However, the subdivision does not relate to a transfer under 42 Pa.C.S. § 933(c)(1), 42 Pa.C.S. § 5103, or any other similar provision of law, because such a transfer is not to a “court of coordinate jurisdiction” within the meaning of this rule; it is intended that there shall be no right of appeal from a transfer order based on improper subject matter jurisdiction. Such orders may be appealed by permission under Pa.R.A.P. 312, or an appeal as of right may be taken from an order dismissing the matter for lack of jurisdiction. See *Balshy v. Rank*, 490 A.2d 415, 416 (Pa. 1985).

Other orders relating to subject matter jurisdiction (which for this purpose does not include questions as to the form of action, such as between law and equity, or divisional assignment, see 42 Pa.C.S. § 952) will be appealable under Pa.R.A.P. 341 if jurisdiction is not sustained, and otherwise will be subject to Pa.R.A.P. 312.

Pursuant to subdivision (d), the Commonwealth has a right to take an appeal from an interlocutory order provided that the Commonwealth certifies in the notice of appeal that the order terminates or substantially handicaps the prosecution. See Pa.R.A.P. 904(e). This rule supersedes *Commonwealth v. Dugger*, 486 A.2d 382, 386 (Pa. 1985). *Commonwealth v. Dixon*, 907 A.2d 468, 471 n.8 (Pa. 2006).

Pursuant to subdivision (f), there is an immediate appeal as of right from an order of a common pleas court or government unit remanding a matter to an administrative agency or hearing officer for execution of the adjudication of the reviewing tribunal in a manner that does not require the exercise of administrative discretion. Examples of such orders include: a remand by a court of common pleas to the Department of Transportation for removal of points from a driver's license; and an order of the Workers' Compensation Appeal Board reinstating compensation benefits and remanding to a referee for computation of benefits.

Subdivision (f) further permits immediate appeal from an order of a common pleas court or government unit remanding a matter to an administrative agency or hearing officer that decides an issue that would ultimately evade appellate review if an immediate appeal is not allowed. *See Lewis v. Sch. Dist. of Philadelphia*, 690 A.2d 814, 816 (Pa. Cmwlth. 1997).

Subdivision (g)(1)(iii) addresses waiver in the context of appeals from various classes of arbitration orders. All six types of arbitration orders identified in 42 Pa.C.S. § 7320(a) are immediately appealable as of right. Differing principles govern these orders, some of which are interlocutory and some of which are final. The differences affect whether an order is appealable under this rule or Pa.R.A.P. 341(b) and whether an immediate appeal is necessary to avoid waiver of objections to the order.

- Section 7320(a)(1)—An interlocutory order refusing to compel arbitration under 42 Pa.C.S. § 7320(a)(1) is immediately appealable pursuant to Pa.R.A.P. 311(a)(8). Failure to appeal the interlocutory order immediately waives all objections to it. *See Pa.R.A.P. 311(g)(1)(iv)*. This supersedes the holding in *Cooke v. Equitable Life Assurance Soc'y*, 723 A.2d 723, 726 (Pa. Super. 1999). Pa.R.A.P. 311(a)(8) and former Pa.R.A.P. 311(g)(1)(i) require a finding of waiver based on failure to appeal the denial order when entered).

- Section 7320(a)(2)—Failure to appeal an interlocutory order granting an application to stay arbitration under 42 Pa.C.S. § 7304(b) does not waive the right to contest the stay; an aggrieved party may appeal such an order immediately under Pa.R.A.P. 311(a)(8) or challenge the order on appeal from the final judgment.

- Section 7320(a)(3)—(a)(6)—If an order is appealable under 42 Pa.C.S. § 7320(a)(3), (4), (5), or (6) because it is final, that is, the order disposes of all claims and of all parties, *see Pa.R.A.P. 341(b)*, failure to appeal immediately waives all issues. If the order does not dispose of all claims or of all parties, then the order is interlocutory. An aggrieved party may appeal such an order immediately under Pa.R.A.P. 311(a)(8) or challenge the order on appeal from the final judgment.

Subdivision (h)—*See note to Pa.R.A.P. 1701(a)*.

Rule 312. Interlocutory Appeals by Permission.

An appeal from an interlocutory order may be taken by permission pursuant to Chapter 13 (interlocutory appeals by permission).

Comment:

This rule does not apply to an order granting or denying an application filed with the trial court under Pa.R.A.P. 1732(a) (stays or injunctions pending appeal). Any further relief may be sought directly from the appellate court under Pa.R.A.P. 1732(b). *See In re Passarelli Trust*, 231 A.3d 969 (Pa. Super. 2020).

APPELLATE COURT PROCEDURAL RULES COMMITTEE ADOPTION REPORT

Amendment of Pa.R.A.P. 311 and 312

On September 8, 2022, the Supreme Court of Pennsylvania adopted amendments to Rules of Appellate Procedure 311 and 312. The Appellate Court Procedural Rules Committee has prepared this Adoption Report describing the rulemaking process. An Adoption Report should not be confused with Comments to the rules. *See Pa.R.J.A. 103, Comment*. The statements contained herein are those of the Committee, not the Court.

Pursuant to a request, the Appellate Court Procedural Rules Committee reviewed recent case law to determine whether pertinent cross references should be added to commentary the Pennsylvania Rules of Appellate Procedure.

In *In re Passarelli Trust*, 231 A.3d 969 (Pa. Super. 2020), the Superior Court considered the appealability of injunctions pursuant to Pa.R.A.P. 311(a)(4), which is an appeal as of right, and the non-appealability of applications for stay pending appeal. The appellant in that case filed a petition for allowance of appeal with the Supreme Court. While the petition for allowance of appeal was pending, the appellant sought an injunction pending appeal from the trial court. The injunction was denied and the appellant filed a notice of appeal from that denial. *See In re Passarelli Trust*, 231 A.3d at 970-971. The Superior Court observed that, given pendency of petition for allowance of appeal, the appellant should have filed an application for stay pending appeal with the Superior Court. *Id.* at 974; *see also Pa.R.A.P. 1732*. Accordingly, the Superior Court quashed the appeal because the proper procedure would have been to file an application for an injunction pending appeal ancillary to the existing appellate proceeding rather than a notice of appeal. *Id.*

The Committee believed adding a cross reference was salutary so that litigants are cautioned as to the holding in the case. Accordingly, the cross reference specifies that relief from an order granting or denying injunctive relief under Pa.R.A.P. 311(a)(4) should be sought directly from the appellate court under Pa.R.A.P. 1732(b). The same cross reference was added as a comment to Pa.R.A.P. 312 to provide a similar caution for litigants seeking relief from an order granting or denying relief of an interlocutory appeal by permission.

In *Commonwealth v. Wardlaw*, 249 A.3d 937 (Pa. 2021), the Supreme Court considered whether an order declaring a mistrial was included within the scope of Pa.R.A.P. 311(a)(6), which provides for an interlocutory appeal as of right for new trials. The Court clarified that this subdivision covers only orders granting motions for a new trial, and not orders declaring a mistrial. The Committee recommended adding a cross reference to this case in the commentary to Pa.R.A.P. 311 to advise counsel of this distinction.

Stylistic revisions to the text of both Pa.R.A.P. 311 and 312 were also made. The commentary to Pa.R.A.P. 311 was replaced in its entirety for easier readability.

The Committee did not publish the amendments for public comment because they are informational in nature and do not affect practice or procedure.

The amendments become effective January 1, 2023.

The commentary from the following rule has been removed and replaced by this rulemaking:

Pa.R.A.P. 311

Official Note:

Authority—This rule implements 42 Pa.C.S. § 5105(c), which provides:

(c) *Interlocutory appeals.* There shall be a right of appeal from such interlocutory orders of tribunals and other government units as may be specified by law. The governing authority shall be responsible for a continuous review of the operation of section 702(b) (relating to interlocutory appeals by permission) and shall from time to time establish by general rule rights to appeal from such classes of interlocutory orders, if any, from which appeals are regularly permitted pursuant to section 702(b).

The appeal rights under this rule and under Pa.R.A.P. 312, Pa.R.A.P. 313, Pa.R.A.P. 341, and Pa.R.A.P. 342 are cumulative; and no inference shall be drawn from the fact that two or more rules may be applicable to an appeal from a given order.

Paragraph (a)—If an order falls under Pa.R.A.P. 311, an immediate appeal may be taken as of right simply by filing a notice of appeal. The procedures set forth in Pa.R.A.P. 341(c) and 1311 do not apply to an appeal under Pa.R.A.P. 311.

Subparagraph (a)(1)—The 1989 amendment to subparagraph (a)(1) eliminated interlocutory appeals of right from orders opening, vacating, or striking off a judgment while retaining the right of appeal from an order refusing to take any such action.

Subparagraph (a)(2)—The 1987 Amendment to subparagraph (a)(2) is consistent with appellate court decisions disallowing interlocutory appeals in matrimonial matters. *Fried v. Fried*, 501 A.2d 211 (Pa. 1985); *O'Brien v. O'Brien*, 519 A.2d 511 (Pa. Super. 1987).

Subparagraph (a)(3)—Change of venire is authorized by 42 Pa.C.S. § 8702. Pa.R.Crim.P. 584 treats changes of venue and venire the same. Thus an order changing venue or venire is appealable by the defendant or the Commonwealth, while an order refusing to change venue or venire is not.

See also Pa.R.A.P. 903(c)(1) regarding time for appeal.

Subparagraph (a)(4)—The 1987 amendment to subparagraph (a)(4) is consistent with appellate court decisions disallowing interlocutory appeals in matrimonial matters. *Fried v. Fried*, 501 A.2d 211, 215 (Pa. 1985); *O'Brien v. O'Brien*, 519 A.2d 511, 514 (Pa. Super. 1987).

The 1996 amendment to subparagraph (a)(4) reconciled two conflicting lines of cases by adopting the position that generally an appeal may not be taken from a *decree nisi* granting or denying a permanent injunction.

The 2009 amendment to the rule conformed the rule to the 2003 amendments to the Pennsylvania Rules of Civil Procedure abolishing actions in equity and thus eliminating the *decree nisi*. Because *decrees nisi* were in general not appealable to the extent they were not effective immediately upon entry, this principle has been expressly incorporated into the body of the rule as applicable to any injunction.

Subparagraph (a)(5)—Subparagraph (a)(5), added in 1996, authorizes an interlocutory appeal as of right from an order granting a motion for peremptory judgment in mandamus without the condition precedent of a motion to

open the peremptory judgment in mandamus. An order denying a motion for peremptory judgment in mandamus remains unappealable.

Subparagraph (a)(8)—Subparagraph (a)(8) recognizes that orders that are procedurally interlocutory may be made appealable by statute or general rule. For example, see 27 Pa.C.S. § 8303. The Pennsylvania Rules of Civil Procedure, the Pennsylvania Rules of Criminal Procedure, etc., should also be consulted.

See Pa.R.A.P. 341(f) for appeals of Post Conviction Relief Act orders.

Following a 2005 amendment to Pa.R.A.P. 311, orders determining the validity of a will or trust were appealable as of right under former subparagraph(a)(8). Pursuant to the 2011 amendments to Pa.R.A.P. 342, such orders are now immediately appealable under Pa.R.A.P. 342(a)(2).

Paragraph (b)—Paragraph (b) is based in part on the Act of March 5, 1925, P.L. 23. The term “civil action or proceeding” is broader than the term “proceeding at law or in equity” under the prior practice and is intended to include orders entered by the orphans’ court division. *Cf. In the Matter of Phillips*, 370 A.2d 307 (Pa. 1977).

In subparagraph (b)(1), a plaintiff is given a qualified (because it can be overridden by petition for and grant of permission to appeal under Pa.R.A.P. 312) option to gamble that the venue of the matter or personal or *in rem* jurisdiction will be sustained on appeal. Subparagraph (g)(1)(ii) provides that if the plaintiff timely elects final treatment, the failure of the defendant to appeal constitutes a waiver. The appeal period under Pa.R.A.P. 903 ordinarily runs from the entry of the order, and not from the date of filing of the election, which procedure will ordinarily afford at least 20 days within which to appeal. See Pa.R.A.P. 903(c) as to treatment of special appeal times. If the plaintiff does not file an election to treat the order as final, the case will proceed to trial unless (1) the trial court makes a finding under subparagraph (b)(2) of the existence of a substantial question of jurisdiction and the defendant elects to appeal, (2) an interlocutory appeal is permitted under Pa.R.A.P. 312, or (3) another basis for appeal appears, for example, under subparagraph (a)(1), and an appeal is taken. Presumably, a plaintiff would file such an election where plaintiff desires to force the defendant to decide promptly whether the objection to venue or jurisdiction will be seriously pressed. Paragraph (b) does not cover orders that do not sustain jurisdiction because they are, of course, final orders appealable under Pa.R.A.P. 341.

Subparagraph (b)(2)—The 1989 amendment to subparagraph (b)(2) permits an interlocutory appeal as of right where the trial court certifies that a substantial question of venue is present. This eliminated an inconsistency formerly existing between paragraph (b) and subparagraph (b)(2).

Paragraph (c)—Paragraph (c) is based in part on the act of March 5, 1925 (P.L. 23, No. 15). The term “civil action or proceeding” is broader than the term “proceeding at law or in equity” under the prior practice and is intended to include orders entered by the orphans’ court division. *Cf. In the Matter of Phillips*, 370 A.2d 307, 308 (Pa. 1977).

Paragraph (c) covers orders that do not sustain venue, such as orders under Pa.R.C.P. 1006(d) and (e).

However, the paragraph does not relate to a transfer under 42 Pa.C.S. § 933(c)(1), 42 Pa.C.S. § 5103, or any other similar provision of law, because such a transfer is

not to a “court of coordinate jurisdiction” within the meaning of this rule; it is intended that there shall be no right of appeal from a transfer order based on improper subject matter jurisdiction. Such orders may be appealed by permission under Pa.R.A.P. 312, or an appeal as of right may be taken from an order dismissing the matter for lack of jurisdiction. *See Balshy v. Rank*, 490 A.2d 415, 416 (Pa. 1985).

Other orders relating to subject matter jurisdiction (which for this purpose does not include questions as to the form of action, such as between law and equity, or divisional assignment, *see* 42 Pa.C.S. § 952) will be appealable under Pa.R.A.P. 341 if jurisdiction is not sustained, and otherwise will be subject to Pa.R.A.P. 312.

Paragraph (d)—Pursuant to paragraph (d), the Commonwealth has a right to take an appeal from an interlocutory order provided that the Commonwealth certifies in the notice of appeal that the order terminates or substantially handicaps the prosecution. *See* Pa.R.A.P. 904(e). This rule supersedes *Commonwealth v. Dugger*, 486 A.2d 382, 386 (Pa. 1985). *Commonwealth v. Dixon*, 907 A.2d 468, 471 n.8 (Pa. 2006).

Paragraph (f)—Pursuant to paragraph (f), there is an immediate appeal as of right from an order of a common pleas court or government unit remanding a matter to an administrative agency or hearing officer for execution of the adjudication of the reviewing tribunal in a manner that does not require the exercise of administrative discretion. Examples of such orders include: a remand by a court of common pleas to the Department of Transportation for removal of points from a drivers license; and an order of the Workers’ Compensation Appeal Board reinstating compensation benefits and remanding to a referee for computation of benefits.

Paragraph (f) further permits immediate appeal from an order of a common pleas court or government unit remanding a matter to an administrative agency or hearing officer that decides an issue that would ultimately evade appellate review if an immediate appeal is not allowed. *See Lewis v. Sch. Dist. of Philadelphia*, 690 A.2d 814, 816 (Pa. Cmwlth. 1997).

Subparagraph (g)(1)(iv)—Subparagraph (g)(1)(iv), added in 2015, addresses waiver in the context of appeals from various classes of arbitration orders. All six types of arbitration orders identified in 42 Pa.C.S. § 7320(a) are immediately appealable as of right. Differing principles govern these orders, some of which are interlocutory and some of which are final. The differences affect whether an order is appealable under this rule or Pa.R.A.P. 341(b) and whether an immediate appeal is necessary to avoid waiver of objections to the order.

- Section 7320(a)(1)—An interlocutory order refusing to compel arbitration under 42 Pa.C.S. § 7320(a)(1) is immediately appealable pursuant to Pa.R.A.P. 311(a)(8). Failure to appeal the interlocutory order immediately waives all objections to it. *See* Pa.R.A.P. 311(g)(1)(iv). This supersedes the holding in *Cooke v. Equitable Life Assurance Soc’y*, 723 A.2d 723, 726 (Pa. Super. 1999). Pa.R.A.P. 311(a)(8) and former Pa.R.A.P. 311(g)(1)(i) require a finding of waiver based on failure to appeal the denial order when entered).

- Section 7320(a)(2)—Failure to appeal an interlocutory order granting an application to stay arbitration under 42 Pa.C.S. § 7304(b) does not waive the right to contest the stay; an aggrieved party may appeal such an order immediately under Pa.R.A.P. 311(a)(8) or challenge the order on appeal from the final judgment.

- Section 7320(a)(3)—(a)(6)—If an order is appealable under 42 Pa.C.S. § 7320(a)(3), (4), (5), or (6) because it is final, that is, the order disposes of all claims and of all parties, *see* Pa.R.A.P. 341(b), failure to appeal immediately waives all issues. If the order does not dispose of all claims or of all parties, then the order is interlocutory. An aggrieved party may appeal such an order immediately under Pa.R.A.P. 311(a)(8) or challenge the order on appeal from the final judgment.

Paragraph (h)—*See* note to Pa.R.A.P. 1701(a).

[Pa.B. Doc. No. 22-1464. Filed for public inspection September 23, 2022, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Administrative Suspension

Notice is hereby given that the following attorneys have been Administratively Suspended by Order of the Supreme Court of Pennsylvania dated August 10, 2022, pursuant to Pennsylvania Rules of Disciplinary Enforcement 219 which requires that all attorneys admitted to practice in any court of this Commonwealth must pay an annual assessment of \$275.00. The Order became effective September 9, 2022.

Notice with respect to attorneys having Pennsylvania registration addresses, which have been administratively suspended by said Order, was published in the appropriate county legal journal.

Alkon, Matthew J.
Hackettstown, NJ

Anderson, William Henry
Prescott, AZ

Baltimore, Carol W.
Boca Raton, FL

Barger, James Douglas
Cantonment, FL

Barris, Andrew Francis
Boston, MA

Bassler, Karen Jouette
Milwaukee, WI

Breit, William David
Virginia Beach, VA

Brett, Brendan H.
Arvada, CO

Brower, Cody Dean
Washington, DC

Bruce, Kimberly Hunter
Pearl City, HI

Buterick, Brett Michael
Roseland, NJ

Cichowic, Rachel Monica
North Miami Beach, FL

Clark, Joseph
Washington, DC

Conner, Christin Caroline
Zionsville, IN

Deal, Joseph D.
Atlantic City, NJ

DiTomo, John Patrick
Wilmington, DE

Docken, Andrew William
Harwich, MA

Etter, Thomas C. Jr.
Arlington, VA

Fry, Gretchen Elaine
Sparta, NJ

Gable, Keith Alan
Lumberton, NJ

Giusti, Eda L.
Northfield, NJ

Gray, Edward E.
Washington, DC

Gray, Kenneth Edward
Washington, DC

Guido, Gregory James
Manahawkin, NJ

Hart, Jaclyn
Miami, FL

Hay, Bruce Lawrence
Cambridge, MA

Howard, Nathan
New York, NY

Johnson, Alvin Jr.
Atlanta, GA

Lowe Johnson, Sherry D.
Greensboro, NC

Mattes, Robert Emmett III
Cherry Hill, NJ

McDonough, Sean M.
Robbinsville, NJ

Meckley, Joellen Catharine
Moorestown, NJ

Mlotkowski, Michael John
Alexandria, VA

Monachino, David Michael
New York, NY

Nava, Gabrielle Frances
Seattle, WA

Neal, Mansfield C. Jr.
Vineyard Haven, MA

Nolan, Melanie Bauer
North Babylon, NY

Orlando, Christopher Andrew
Haddon Heights, NJ

Pendleton, Brian John Jr.
Boonton Township, NJ

Petigara, Vishal S.
Carlsbad, CA

Reitz, Kevin R.
Minneapolis, MN

Richards, Ryan Campbell
Naples, FL

Roscher, James Thomas
Rego Park, NY

Ross, Jeremiah Abraham
Bristow, OK

Sarkos, Peter Michael
Margate, NJ

Sawyer, Lauren Elizabeth
New York, NY

Schlaifer, Robin Lynn
Cherry Hill, NJ

Sheiman, Janna
Trenton, NJ

Singh, Sonjay
Washington, DC

Soehl, Thomas Howard
Ada, MI

Spangler-Loutey, Kimberly Vellina
Mount Laurel, NJ

Turner, Lee West
Montclair, NJ

Urban, Donna T.
Cherry Hill, NJ

Vandegrift, Vallerey S.
Alexandria, VA

White, Darcy A.
Wilmington, DE

White, La Wanda Dyson
Mount Laurel, NJ

Wieler, James Baily
New York, NY

Winston, Sylvia Nichole
Wichita, KS

Wolfe, William John
Port Jervis, NY

Zhou, Yi
Katy, TX

SUZANNE E. PRICE,
Attorney Registrar

[Pa.B. Doc. No. 22-1465. Filed for public inspection September 23, 2022, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Suspension

Notice is hereby given that on September 8, 2022, pursuant to Rule 214(d)(2), Pa.R.D.E., the Supreme Court of Pennsylvania ordered that Jesse M. Cohen (# 93020) be placed on Temporary Suspension from the practice of law, effective October 8, 2022.

In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

MARCEE D. SLOAN,
Board Prothonotary

[Pa.B. Doc. No. 22-1466. Filed for public inspection September 23, 2022, 9:00 a.m.]

SUPREME COURT

Reestablishment of the Magisterial Districts within the 29th Judicial District of the Commonwealth of Pennsylvania; No. 512 Magisterial Rules Docket

Order

Per Curiam

And Now, this 13th day of September 2022, upon consideration of the Petition to Reestablish the Magisterial Districts of the 29th Judicial District (Lycoming County) of the Commonwealth of Pennsylvania, it is hereby *Ordered and Decreed* that the Petition, which provides for the reestablishment of Magisterial Districts 29-3-01 and 29-3-03 within Lycoming County as they currently exist, to be effective immediately; that the realignment of Magisterial Districts 29-1-01 and 29-1-02, to be effective January 1, 2023; and that the realignment of Magisterial Districts 29-3-02 and 29-3-04, to be effective January 1, 2024, is granted.

Said Magisterial Districts will be reestablished as follows:

Magisterial District 29-1-01 Magisterial District Judge Christian D. Frey	City of Williamsport (Wards 3, 4, 5, 6, 7)
Magisterial District 29-1-02 Magisterial District Judge Aaron S. Biichle	City of Williamsport (Wards 1, 2, 8, 9, 10, 11, 12, 13)
Magisterial District 29-3-01 Magisterial District Judge Denise L. Dieter	Anthony Township Bastress Township Brown Township Cummings Township Jersey Shore Borough Limestone Township McHenry Township Mifflin Township Nippenose Township Piatt Township Pine Township Porter Township Salladasburg Borough Watson Township Woodward Township
Magisterial District 29-3-02 Magisterial District Judge Gary A. Whiteman	Cascade Township Eldred Township Fairfield Township Gamble Township Loyalsock Township (precincts 4, 5, 7) Montoursville Borough Plunketts Creek Township South Williamsport Borough Upper Fairfield Township

Magisterial District 29-3-03 VACANT	Brady Township Clinton Township Franklin Township Hughesville Borough Jordan Township Mill Creek Township Montgomery Borough Moreland Township Muncy Borough Muncy Creek Township Muncy Township Penn Township Picture Rocks Borough Shrewsbury Township Washington Township Wolf Township
Magisterial District 29-3-04 Magisterial District Judge William C. Solomon	Armstrong Township Cogan House Township Duboistown Borough Hepburn Township Jackson Township Lewis Township Loyalsock Township (precincts 1, 2, 3, 6) Lycoming Township McIntyre Township McNett Township Old Lycoming Township Susquehanna Township

[Pa.B. Doc. No. 22-1467. Filed for public inspection September 23, 2022, 9:00 a.m.]

SUPREME COURT

Reestablishment of the Magisterial Districts within the 44th Judicial District of the Commonwealth of Pennsylvania; No. 511 Magisterial Rules Docket

Order

Per Curiam

And Now, this 13th day of September 2022, upon consideration of the Petition to Reestablish the Magisterial Districts of the 44th Judicial District (Wyoming and Sullivan Counties) of the Commonwealth of Pennsylvania, it is hereby *Ordered and Decreed* that the Petition, which provides for the realignment of Magisterial Districts 44-3-01, and 44-3-02, within Wyoming County, to be effective January 2, 2023 is granted; and that the Petition, which provides for the reestablishment of Magisterial District 44-3-03 within Sullivan County, to be effective immediately, is granted.

Said Magisterial Districts shall be as follows:

Magisterial District 44-3-01 Magisterial District Judge David K. Plummer	Factoryville Borough Meshoppen Borough Nicholson Borough Clinton Township Lemon Township Meshoppen Township Nicholson Township Overfield Township Tunkhannock Borough Washington Township
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Magisterial District 44-3-02 Magisterial District Judge Carl W. Smith, Jr.	Laceyville Borough Braintrim Township Eaton Township Exeter Township Falls Township Forkston Township Mehoopany Township Monroe Township North Branch Township Northmoreland Township Noxen Township Tunkhannock Township Windham Township
Magisterial District 44-3-03 Magisterial District Judge Jennifer Y. Vandine	Dushore Borough Eagles Mere Borough Forksville Borough Laporte Borough Cherry Township Colley Township Davidson Township Elkland Township Forks Township Fox Township Hillsgrove Township Laporte Township Shrewsbury Township

[Pa.B. Doc. No. 22-1468. Filed for public inspection September 23, 2022, 9:00 a.m.]

SUPREME COURT

Reestablishment of the Magisterial Districts within the 45th Judicial District of the Commonwealth of Pennsylvania; No. 513 Magisterial Rules Docket

Order

Per Curiam

And Now, this 13th day of September 2022, upon consideration of the Petition to Reestablish the Magisterial Districts of the 45th Judicial District (Lackawanna County) of the Commonwealth of Pennsylvania, it is hereby *Ordered and Decreed* that the Petition, which provides for the reestablishment of the Magisterial Districts within Lackawanna County as they currently exist, to be effective immediately, is granted.

Said Magisterial Districts will be reestablished as follows:

Magisterial District 45-1-01 Magisterial District Judge George E. Seig	Moosic Borough Old Forge Borough Taylor Borough
Magisterial District 45-1-02 Magisterial District Judge Alyce M. Farrell	City of Scranton (Wards 9, 10, 16, 17)
Magisterial District 45-1-03 Magisterial District Judge Joanne P. Corbett	City of Scranton (Wards 11, 12, 19, 20, 24)
Magisterial District 45-1-05 Magisterial District Judge Terrence V. Gallagher	City of Scranton (Wards 4—6, 14, 15, 18, 21, 22)

Magisterial District 45-1-06 Magisterial District Judge Paul J. Ware	Dunmore Borough City of Scranton (Wards 1—3, 7, 13, 23)
Magisterial District 45-1-08 Magisterial District Judge John P. Pesota	Dickson City Borough Olyphant Borough Throop Borough
Magisterial District 45-3-01 Magisterial District Judge Paul Keeler	Clarks Summit Borough Clarks Green Borough Dalton Borough Glenburn Township LaPlume Township Newton Township North Abington Township Ransom Township South Abington Township Waverly Township West Abington Township
Magisterial District 45-3-02 Magisterial District Judge Kipp E. Adcock	Clifton Township Covington Township Elmhurst Township Jefferson Township Madison Township Moscow Borough Roaring Brook Township Spring Brook Township Thornhurst Township
Magisterial District 45-3-03 Magisterial District Judge Sean P. McGraw	Benton Township City of Carbondale Carbondale Township Fell Township Greenfield Township Scott Township Vandling Borough
Magisterial District 45-3-04 Magisterial District Judge Laura M. Turlip	Archbald Borough Blakely Borough Jermyn Borough Jessup Borough Mayfield Borough

[Pa.B. Doc. No. 22-1469. Filed for public inspection September 23, 2022, 9:00 a.m.]

SUPREME COURT

Reestablishment of the Magisterial Districts within the 47th Judicial District of the Commonwealth of Pennsylvania; No. 514 Magisterial Rules Docket

Order

Per Curiam

And Now, this 13th day of September 2022, upon consideration of the Petition to Reestablish the Magisterial Districts of the 47th Judicial District (Cambria County) of the Commonwealth of Pennsylvania, it is hereby *Ordered and Decreed* that the Petition, which provides for the reestablishment of the Magisterial Districts within Cambria County as they currently exist, to be effective immediately, is granted.

Said Magisterial Districts will be reestablished as follows:

Magisterial District 47-1-01 VACANT	City of Cambria City of Johnstown (Wards 1—4, 9—16, 18—21) Conemaugh Township
Magisterial District 47-1-02 Magisterial District Judge Susan Gindlesperger	Ferndale Borough Geistown Borough Scalp Level Borough Southmont Borough Westmont Borough Richland Township (Wards 1, 2, 4—6, 9—11) Stonycreek Township Upper Yoder Township
Magisterial District 47-1-03 Magisterial District Judge Kevin Price	Daisytown Borough Dale Borough City of Johnstown (Wards 5—8, 17) Lorain Borough
Magisterial District 47-3-01 Magisterial District Judge Mary Ann Zanghi	Brownstown Borough East Conemaugh Borough East Taylor Township Franklin Borough Jackson Township Lower Yoder Township Middle Taylor Township Nanty Glo Borough Vintondale Borough West Taylor Township
Magisterial District 47-3-03 Magisterial District Judge John Prebish, Jr.	Allegheny Township Ashville Borough Cassandra Borough Chest Springs Borough Cresson Borough Cresson Township Gallitzin Borough Gallitzin Township Lilly Borough Loretto Borough Munster Township Portage Borough Portage Township Sankertown Borough Tunnelhill Borough Washington Township

Magisterial District 47-3-05 Magisterial District Judge Michael Zungali	Barr Township Chest Township Clearfield Township Dean Township Elder Township Hastings Borough Northern Cambria Borough Patton Borough Reade Township Susquehanna Township West Carroll Township White Township
Magisterial District 47-3-06 Magisterial District Judge Richard Varner	Adams Township Conemaugh Township Croyle Township Ehrenfeld Borough Richland Township (Wards 3, 7, 8) South Fork Borough Summerhill Borough Summerhill Township Wilmore Borough
Magisterial District 47-3-07 VACANT	Blacklick Township Cambria Township Carrolltown Borough East Carroll Township Ebensburg Borough

[Pa.B. Doc. No. 22-1470. Filed for public inspection September 23, 2022, 9:00 a.m.]