

Appeal Docket Sheet**Superior Court of Pennsylvania****Docket Number: 767 MDA 2018****Page 1 of 4****July 7, 2018****CAPTION**

J.K.G.

v.

K.I.G.

Appellant

CASE INFORMATION

Initiating Document: Notice of Appeal

Case Status: Decided/Active

Case Processing Status: June 14, 2018 Awaiting Remittal

Journal Number:

Case Category:	Domestic Relations	Case Type(s):	Custody/Visitation Children's Fast Track
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CONSOLIDATED CASES**RELATED CASES****SCHEDULED EVENT**

Next Event Type: Record Remitted

Next Event Due Date: July 16, 2018

COUNSEL INFORMATION**Appellant K.I.G.**

Pro Se: No

IFP Status: No

Attorney: Puleo, Richard J.
 Law Firm: Law Offices of Puleo & Gimpel
 Address: 27 Nutt Rd
 Phoenixville, PA 19460-3951
 Phone No: (610) 983-4256

Fax No:

Appellee J.K.G.

Pro Se: No

IFP Status: No

Attorney: Sobotka, David S.
 Address: 519 Walnut St
 Reading, PA 19601-3477
 Phone No: (610) 376-6018

Fax No:

Appellee Guardian Ad Litem

Pro Se: No

IFP Status: Yes

Attorney: Marks, Lauren Michelle
 Law Firm: Palange, Endres & Marks, P.C.
 Address: 720 Centre Ave
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FEE INFORMATION

Fee Dt	Fee Name	Fee Amt	Receipt Dt	Receipt No	Receipt Amt
05/08/2018	Notice of Appeal	90.25	05/10/2018	2018-SPR-M-000369	90.25

AGENCY/TRIAL COURT INFORMATION

Court Below: Berks County Court of Common Pleas
 County: Berks Division: Berks County Civil Division
 Order Appealed From: April 5, 2018 Judicial District: 23
 Documents Received: May 10, 2018 Notice of Appeal Filed: May 8, 2018
 Order Type: Order Entered
 OTN(s):
 Lower Ct Docket No(s): 10-6732
 Lower Ct Judge(s): Rowley, Timothy J.
 Judge

ORIGINAL RECORD CONTENT

Original Record Item	Filed Date	Content Description
Original Record (Sealed)	June 07, 2018	4 Parts
Trial Court Opinion (Sealed)	June 07, 2018	

Date of Remand of Record:

BRIEFING SCHEDULE

Appellant	Appellee
K.I.G.	Guardian Ad Litem
Brief	Brief
Due: July 9, 2018	Filed:
	J.K.G.
Reproduced Record	Brief
Due: July 9, 2018	Filed:

DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
May 10, 2018	Notice of Appeal Docketed	Appellant	K.I.G.
	Document Name: Trial Court Order of July 2010 sealing record		
May 10, 2018	Docketing Statement Exited (Domestic Relations)		Superior Court of Pennsylvania
May 14, 2018	Order - Children's Fast Track - 1925 Statement due		Per Curiam

Comment: Since it appears that this appeal is a Children's Fast Track appeal as defined by Pa.R.A.P. 102, and Appellant has not filed a Statement of errors complained of on appeal ("Statement") pursuant to Pa.R.A.P. 1925(a)(2) with the notice of appeal, and recognizing that the trial judge is not required, in a Children's Fast Track appeal, to issue an order for such a Statement, Appellant is hereby ORDERED, by May 22, 2018 (and in accordance with the relevant requirements of Pa.R.A.P. 1925):

To file a Statement of errors complained of on appeal pursuant to Pa.R.A.P. 1925 in the trial court,

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DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
	<input type="checkbox"/> To serve the Statement on the trial judge and other parties, and <input type="checkbox"/> To file a copy of the Statement with the Prothonotary of the Superior Court. <input type="checkbox"/> Any issue not properly included in the Statement timely filed and served shall be deemed waived. In the event that Appellant has filed a Statement pursuant to Pa.R.A.P. 1925 with the trial court and has served that Statement on the trial judge prior to the receipt of this Order, Appellant shall notify the Superior Court Prothonotary in writing by May 22, 2018 and shall include a copy of the filed Statement. Failure of Appellant to comply with this Order by May 22, 2018 shall result in waiver and/or dismissal of the appeal without further notice. See Mudge v. Mudge, 6 A.3d 1031 (Pa. Super. 2010) and J.M.R. v. J.M., 1 A.3d 902 (Pa. Super. 2010).		
May 14, 2018	Docketing Statement Received (Domestic Relations)	Appellant	K.I.G.
May 22, 2018	Response to Order K.I.G. Document Name: Concise Statement	Appellant	Puleo, Richard J.
June 4, 2018	Order - Rule to Show Cause		Per Curiam
	Comment: Appellant, K.I.G., defendant below, filed a notice of appeal from the final custody order entered April 5, 2018. Appellant's notice of appeal was docketed below on May 8, 2018. An appeal must be filed within 30 days after entry of the order from which the appeal is taken. Pa.R.A.P. 903(a). This Court has no jurisdiction to excuse the failure to file a timely notice of appeal. Valley Forge Center Associates v. Rib-It/K.P., Inc., 693 A.2d 242, 245 (Pa. Super. 1997); see also Pa.R.A.P. 105(b) (an appellate court may not enlarge the time for filing a notice of appeal). Accordingly, Appellant is hereby directed to show cause, within ten days of the date of this order, as to why this appeal should not be quashed as having been filed untimely on May 8, 2018, thirty-three days after entry of the subject order. Failure to respond to this directive may result in quashal of this appeal without further notice.		
June 7, 2018	Sealed Trial Court Record Received		Berks County Court of Common Pleas
June 7, 2018	Sealed Trial Court Opinion Received		Berks County Court of Common Pleas
June 7, 2018	Briefing Schedule Issued		Superior Court of Pennsylvania

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DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
June 11, 2018	Response to Rule to Show Cause	Appellant	K.I.G.
June 14, 2018	Quash Sua Sponte		Per Curiam

Comment: Through this Court's June 4, 2018 Order, Appellant was directed to show cause why the appeal should not be quashed as untimely. Appellant filed a response on June 11, 2018, but did not present legal argument to justify this Court's jurisdiction. An appeal must be filed within 30 days after entry of the order from which the appeal is taken. Pa.R.A.P. 903(a). This Court has no jurisdiction to excuse the failure to file a timely notice of appeal. Valley Forge Center Associates v. Rib-It/K.P., Inc., 693 A.2d 242, 245 (Pa. Super. 1997); see also Pa.R.A.P. 105(b) (an appellate court may not enlarge the time for filing a notice of appeal). Because the notice of appeal was filed on May 8, 2018, more than 30 days after the entry of the April 5, 2018 order, the appeal is hereby QUASHED.

Appellant's request for leave to file a notice of appeal nunc pro tunc is DENIED without prejudice to Appellant's ability to seek relief in the trial court.

DISPOSITION INFORMATION

Final Disposition:	Yes	Judgment Date:	
Related Journal No:		Disposition Author:	Per Curiam
Category:	Disposed Before Decision	Disposition Date:	June 14, 2018
Disposition:	Quash Sua Sponte		

Disposition Comment: Through this Court's June 4, 2018 Order, Appellant was directed to show cause why the appeal should not be quashed as untimely. Appellant filed a response on June 11, 2018, but did not present legal argument to justify this Court's jurisdiction. An appeal must be filed within 30 days after entry of the order from which the appeal is taken. Pa.R.A.P. 903(a). This Court has no jurisdiction to excuse the failure to file a timely notice of appeal. Valley Forge Center Associates v. Rib-It/K.P., Inc., 693 A.2d 242, 245 (Pa. Super. 1997); see also Pa.R.A.P. 105(b) (an appellate court may not enlarge the time for filing a notice of appeal). Because the notice of appeal was filed on May 8, 2018, more than 30 days after the entry of the April 5, 2018 order, the appeal is hereby QUASHED.

Appellant's request for leave to file a notice of appeal nunc pro tunc is DENIED without prejudice to Appellant's ability to seek relief in the trial court.

Dispositional Filing:	Filing Author:
Filed Date:	