

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PA

C.W.,	:	
Petitioner	:	
	:	
v.	:	No. 97-20,770
	:	
S.W.,	:	
Respondent	:	

OPINION
Issued Pursuant to Pa. R.A.P. 1925(a)

AND NOW, this _____ day of July, 2004, the court has reviewed the Concise Statement of Matters Complained of on Appeal filed by the appellant and finds that most of the issues raised in that Statement have been fully addressed in this court's opinion and order issued on May 7, 2004.

The only issue which needs to be addressed is number eight, that the court erred in not permitting Husband to inquire into whether or not Wife is entitled to spousal support and any other defenses to support or alimony pendente lite, or any basis for a deviation from the guideline amounts. The court limited the remand hearing to an inquiry into Wife's income or earning capacity because the Master did not fully inquire into the matter, as he had a responsibility to do with a pro se litigant.

As the matter was before the Master on Wife's petition for a spousal support review and Husband's petition for APL, any issues regarding Wife's entitlement to spousal support, Husband's defenses to support and APL, and deviation should have been addressed at the hearing, and both parties had a full and fair opportunity to do so. To the extent the record reflects that those matters were raised, the court will be able to

review them should exceptions be filed to the Master's order resulting from the remand hearing.

More importantly, however, the order from which appellant appeals is obviously interlocutory, as it remands the matter back to the Master for further factual findings. The court therefore requests the Superior Court to quash the appeal so that the matter may be properly litigated at the trial court level and a final order issued. At that time, the appellant may appeal any issues he deems appropriate.

BY THE COURT,

Richard A. Gray, J.

cc: Christopher Williams, Esq.
Milton Savage, Esq.
1616 Walnut St., Suite 1910
Philadelphia, PA 19103
Gary Weber, Esq.