

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

SOUTHWESTERN ENERGY PRODUCTION COMPANY,	:	NO. 11 - 02,308
Plaintiff	:	
	:	CIVIL ACTION - LAW
vs.	:	
	:	
FOREST RESOURCES, LLC, KOCJANCIC FAMILY	:	
LIMITED PARTNERSHIP, HAROLD H. WOLFINGER,	:	
JR., ULTRA RESOURCES, INC., JACKSON CORNERS	:	
SPORTSMEN INC., NORTHERN FORESTS II, INC.,	:	
WEVCO PRODUCTION INC. and ANADARKO	:	
PETROLEUM CORPORATION, LP a/k/a ANADARKO	:	
PETROLEUM CORPORATION,	:	
Defendants as to all counts	:	
INTERNATIONAL DEVELOPMENT CORPORATION	:	
and TRUSTEES OF THE THOMAS E. PROCTOR	:	
HEIRS TRUST DATED OCTOBER 28, 1980,	:	
Defendants as to Declaratory Judgment only	:	
TRUSTEES OF THE THOMAS E. PROCTOR HEIRS TRUST,	:	
Cross-claim Plaintiff	:	
vs.	:	
	:	
FOREST RESOURCES, LLC, KOCJANCIC FAMILY	:	
LIMITED PARTNERSHIP, HAROLD H. WOLFINGER,	:	
JR., ULTRA RESOURCES, INC., JACKSON CORNERS	:	
SPORTSMEN INC., NORTHERN FORESTS II, INC., and	:	
INTERNATIONAL DEVELOPMENT CORPORATION,	:	
Cross-claim Defendants	:	
TRUSTEES OF THE THOMAS E. PROCTOR HEIRS TRUST,	:	
Counterclaim Plaintiff	:	
vs.	:	
	:	
SOUTHWESTERN ENERGY PRODUCTION COMPANY and	:	
LANCASTER EXPLORATION & DEVELOPMENT CO., LLC,	:	
Counterclaim Defendants	:	
vs.	:	
	:	
TRUSTEES OF THE MARGARET O. F. PROCTOR TRUST,	:	Motion to Amend
Additional Defendant	:	and Certify

OPINION AND ORDER

Before the court is a Motion to Amend and Certify for Immediate Appeal this court's Order of May 24, 2012, filed by Trustees of the Thomas E. Proctor Heirs Trust on June 4, 2012. Argument was heard June 28, 2012.

By order dated May 24, 2012, this court dismissed the counterclaims (for declaratory judgment and constructive trust) filed by the Trustees of the Thomas E. Proctor Heirs Trust, and the Trustees now ask the court to certify that order for immediate appeal under Pa.R.App.P. 341(c). Since Rule 341(c)(3) requires the court to act within thirty days of entry of the order, however, and more than thirty days have passed, this court is without jurisdiction to consider the request and the Trustee's motion is deemed denied.¹

ORDER

AND NOW, this 2nd day of July 2012, for the foregoing reasons, the Motion to Amend and Certify is hereby deemed DENIED.

BY THE COURT,

Dudley N. Anderson, Judge

cc: Jeffrey Malak, Esq., Chariton, Schwager & Malak
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(continued)

¹ In any event, the court would find that an immediate appeal would *not* facilitate resolution of the entire case.

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Hon. Dudley Anderson